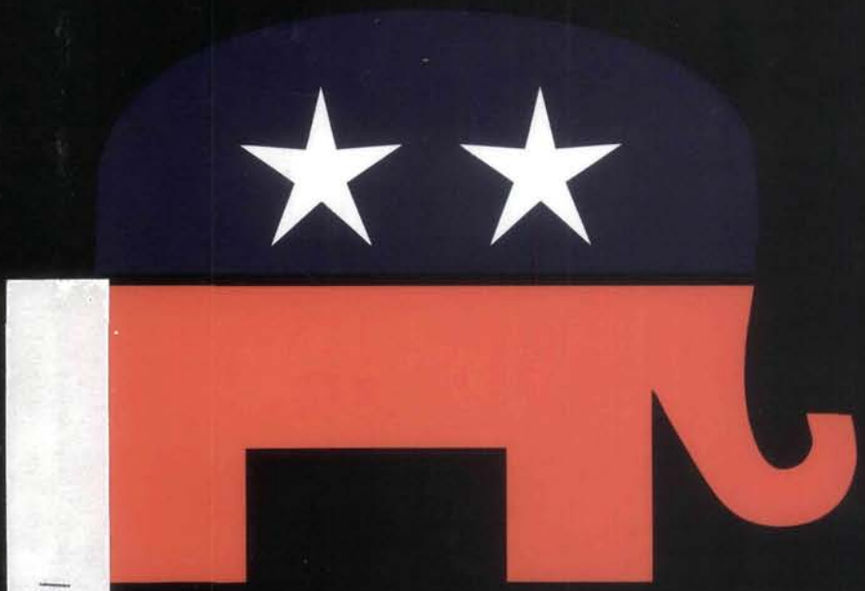
CALIFORNIA ★ POLITICAL
# REVIEW

MARCH/APRIL 2007 • VOLUME 18 • NUMBER 2 • $4.95

Governor Schwarzenegger's Health Plan 14
Diana M. Ernst & John R. Graham

Rogue Elephant: California's Coastal Commission 11
Harold Johnson

The Global Warming War 8
Theodore A. Alta



# The California GOP: Mapping Post-Partisan Land

## A California Political Review Roundtable

**William E. Saracino * Bill Leonard * Sam Paredes**
**John Allan Peschong * Shawn Steel**

## California Indian Gaming
## Blessing or Curse? 25

**A CPR debate:**
**Anthony Miranda * Fred Jones**

Ron Keeva Unz
555 Bryant St #371
Palo Alto, CA 94301

www.cppf.us

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# Pack 3 Felons in a 5x7 Cel then Watch the Lid Blow

**California prisons are dangerously overcrowded.** Designed to safely house 71,000 inmates, they now hold more than double — 170,000. Next year's projections are even higher.

To make things worse, California prisons are seriously understaffed, with over 4,000 vacant positions and one of the worst officer-to-inmate ratios in the nation — resulting in millions of dollars in forced overtime, little or no rehabilitation, and even more assaults on officers and inmates.

Without new prison space, federal courts could force California to release thousands of hard-core felons — a public safety disaster of monstrous proportion.

**We need action now, before our prisons blow sky high.**

**CALIFORNIA CORRECTIONAL PEACE OFFICERS ASSOCIATION**
755 Riverpoint Drive • West Sacramento, CA 95605

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

CALIFORNIA★POLITICAL
# REVIEW

MARCH/APRIL 2007 • VOLUME 18 • NUMBER 2

## FEATURES

**COVER ARTICLES: The California GOP: Mapping Post-Partisan Land** 17

**A *CPR* Roundtable Discussion:** Our panel of experts offers perspectives on the state of the conservative movement and the GOP in California .... Bill Leonard * William E. Saracino Sam Paredes * John Allan Peschong * Shawn Steel * *and CPR's* Capitol Rumbler

**Two steps forward - Into the Quagmire** By Diana M. Ernst & John R. Graham 14

The governor's health reform proposal would bolster bigger government instead of improving the health-care system, but the news is not *all* bad.

***CPR* Debate: California Indian Gaming: Blessing *or* Curse?** 25

Blessing: Anthony Miranda — Tribal government gaming works for California;
Curse: Fred Jones — Tribal gambling is a loser for California's communities and body-politic.

### DEPARTMENTS

**Correspondence** .....2

**Sacramento Spectator** .....3

**The Working Press** By George Neumayr .....4

**Facts on Gun Control** By Sam Paredes .....7

**Business Trends** By Theodore A. Alta .....8

**The Law** By Harold Johnson .....11

### ARTS & CULTURE

**Criticus** By G.B. Tennyson .....32

**Well, I never ...**

An 'I have never' craze is sweeping England. The question on everyone's mind is whether it represents a new dawn of fastidiousness, individuality, and refined discrimination or is, rather, a lot of self-centered, sanctimonious drivel.

**First Things** By John Kurzweil .....36

Round Two on The Enlightenment *or* What explains the liberal Babbittry we see whenever a religious believer maintains that his beliefs have something to do with reality?

A PUBLICATION OF THE CALIFORNIA PUBLIC POLICY FOUNDATION



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

CALIFORNIA★POLITICAL
REVIEW

A PUBLICATION OF THE
CALIFORNIA PUBLIC POLICY FOUNDATION

JOHN KURZWEIL
*EDITOR & PUBLISHER*

*CONTRIBUTING EDITORS*
DAN BRENNAN
M. DAVID STIRLING • *BUREAUCRACY WATCH*
SAM PAREDES • *SECOND AMENDMENT CORRESPONDENT*
GEORGE NEUMAYR • *THE WORKING PRESS*
RAY HAYNES • *THE FRONT LINE*
G.B. TENNYSON • *ARTS & CULTURE*

GENE FOLEY • *BUSINESS MANAGER*
GORDON KURZWEIL • *DATA BASE MANAGEMENT*
SHAWN STEEL • *LEGAL ADVISOR*

*EDITORIAL BOARD*
JAMES BEMIS, DANIEL J. GRIMM
HAROLD JOHNSON, MANUEL S. KLAUSNER,
JOHN KURZWEIL, GEORGE NEUMAYR
WILLIAM RUSHER, WILLIAM E. SARACINO
ANDREW ZEPEDA

*California Political Review* (ISSN 1075-3079) is published bimonthly by the California Public Policy Foundation. Send address changes, manuscripts, and Correspondence to: Editor, *California Political Review*, Post Office Box 931, Camarillo, CA 93011-0931; or calprev@cppf.us. Correspondence may be condensed due to space limitations. Unsolicited manuscripts should be accompanied by a stamped, self-addressed envelope. Signed articles express their authors' opinions and do not necessarily reflect the views of the California Public Policy Foundation which does not endorse or oppose candidates or intervene in any candidate election campaign. Unsigned editorials express the editors' opinions and not necessarily the views of the California Public Policy Foundation. Rates: $24.95 yearly (six issues). Outside U.S. add $6/year surface, $20 for airmail. *California Political Review* is copyright © 2007 by the California Public Policy Foundation.

*California Political Review* (ISSN 1075-3079) is published bimonthly for $24.95 per year by the California Public Policy Foundation, 4963 Densmore Avenue, Encino, CA 91436. Periodical Postage Paid at Van Nuys, CA, and additional mailing offices. POSTMASTER: Send address changes to *California Political Review*, P.O. Box 931, Camarillo, CA 93011-0931.

# CORRESPONDENCE

## Christmas in Christendom

Thanks for your Jan./Feb. cover: the magnificent icon of the Madonna and Child and for acknowledging our civilization's basis, "Christendom." Among the more stunning achievements in irrationality since the coming of the Age of Reason is the by-now more or less universal unwillingness — extending even to many Christians — to acknowledge the indisputable historic truth that our free, Western, humane culture and political institutions derive directly and almost exclusively from the Judeao-Christian religion. (And if anyone asks: what religion is that? I refer them, to begin with anyway, to C.S. Lewis's *Mere Christianity.)*

Instead, our heads are stuffed with the palpable nonsense that, before the liberating secular age, all Europe was tyrannized by superstition, fear, hatred, and intrigue and by grasping men, probably wearing hoods and invoking "God" to confuse the masses and cover their dishonest tracks. This is more than nonsense; it is a death wish for our culture and ourselves. It recalls Abraham Lincoln's point that America must either live forever or die by suicide. To see the death wish at work, tune in to the crusadingly anti-Christian, anti-religion (and yet, at one time, informative and even uplifting) History Channel.

But for all that, whatever comes, and whatever foolishness we blest people allow ourselves to be duped into enduring, the Child will always await those who seek Him in the manger, people for whom Christendom is always alive and young. Every one of us has the same choice Lincoln saw for our nation: to die by suicide or, if we prefer, to live forever.

James Grayson
Bakersfield

## Wilhelmsen's *chutzpah*

Frederick D. Wilhelmsen ("Christmas in Christendom," *CPR*, Jan./Feb.) has a lot of *chutzpah* to accuse Calvin and the Calvinists of hating Creation. It was the Calvinist tradition, more than any other, that has emphasized that all areas of life belong to God. It was not the Calvinists who said that if you really want to be all out for Jesus, you will join an "order" and agree not to be married or reproduce. It was not the Calvinists who imposed a mediatory class of people between us and the One Mediator, which class to belong to you also had to agree never to be married or reproduce. Calvinists have leadership in the churches, but they mediate authority and structure, not grace; and they always make a point of including non-"full time" and non-"professional" people who aren't living out of the collection plate in the church leadership as "ruling elders."

Now since the Reformation, I will admit that a lot of Protestants have lost the Protestant Ethic and replaced it with "Great Commission Utilitarianism" or "Missions Utilitarianism." And, at the same time, a number of Catholics have picked up on the Protestant Ethic. These are stories that need to be told. But they were certainly not what the original Reformers had in mind!

Also, in this high tech state of California, why don't you have an e-mail address for letters to the editor? Is it you idea of being "Conservative"?

Howard F. Ahmanson
Irvine

CPR *Editor John Kurzweil responds:*

Mr. Ahmanson's point on our e-mail address is well taken, although *CPR* has long had one: calprev@cppf.us (click the e-mail link at the bottom of *CPR Online's* home page [www.cppf.us] for an automatically-addressed e-blank) — but it should be (and now is) listed in the magazine itself.

As to Frederick D. Wilhelmsen's contention that "John Calvin and John Knox and Cotton Mather would have it" that "Creation is evil," Professor

*(Please turn to page 31)*



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# SACRAMENTO SPECTATOR

As the old song sort-of goes, "Take my hand, I'm a stranger in Post-Partisan Land." Your *Spectator* joins just about everyone in your Capital trying to figure out what "post-partisan" means and what it portends. The punditocracy has had a field day trying to define a "post partisan" landscape and the adventures lying therein.

The truth — which is that nobody, including the governor, really knows either the meaning or the implications — is unflattering to all involved: the anointed elites who are supposed to know everything. So no one comes out and *admits* that they do not know. Even so, "post partisan," like appreciation of beauty, lies very much in the eye of the beholder .... and is very much undefined at the moment. How the three interests involved — the governor, legislative Democrats, and legislative Republicans — end up defining it will tell the tale of California politics this year and beyond.

Laborious work in the vineyards of the Capitol (*i.e.,* its saloons, canteens, and swank dining rendezvous) has led to one conclusion: that just because the parties involved don't know what post-partisan means is no reason to conclude that it means nothing. On the contrary, it means everything or, rather, it means whatever *who*ever is saying it wants it to mean. This might be a hindrance among normal people, but among politicians it is often a boon.

The governor wants post-partisan to mean whatever political stances he chooses to take. Bash President Bush in the State of the State but praise his "troop surge" in Iraq? Just good old post-partisan statesmanship. Same for the odd couple of expanding the size and cost of government *via* health care mandates while also re-

moving minors whose parents won't work from the welfare rolls. And those closest to him aver that he means no insult or slight to his chosen political party but truly sees this as the most effective way forward for the GOP. Envision if Teddy Roosevelt had won the election of 1912 as a Bull Moose.

Democrats want post-partisan to mean what "bi-partisan" meant most of last year: they and the governor working deals while ignoring the legislative GOP. In unguarded moments, their operatives admit that such a bonanza is unlikely this year. They know the governor will have to involve the legislative GOP substantially this year. But they still also believe they can win at least 75 percent of what they want in Post Partisan Land.

Legislative Republicans are determined not to be left out again. If necessary, now and then to prove a point, they are quite willing to send torpedoes into S.S. Schwarzenegger. Their strong preference, however, is that the governor discover true bi-partisanship (*i.e.,* both parties give *equally* in negotiations, arriving at a true middle ground). This is a far cry from what most believe happened last year, and it would be a true achievement to bring it off, besides indicating the governor's good will.

So "P.P." will be a movable feast, morphing as conditions change, probably moment to moment. I predict it will deliver less than any of the three parties think it will. It won't eliminate for the governor the burden of selling his agenda on its merits; won't (normally) give Democrats 75 percent in any negotiation; and won't automatically give Republicans clout at the negotiating table. Each side will have to work — hard — to achieve what it wants out of "P.P." But that, after all, is what government is supposed to be about, and it promises abundant storylines for yours truly to hunt down in the nooks and crannies of politically-charged watering holes. I'm up to it if you are!

*— A.P.C.*



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# The Working Press

## The 'Arnold Amendment'

*Permitting the foreign-born to run for the presidency suddenly looks good to the* Times.

GEORGE NEUMAYR

ENAMORED WITH Arnold Schwarzenegger's liberalism, the *Los Angeles Times* has taken up the cause of the "Arnold amendment," a constitutional amendment that would permit the foreign-born to run for the presidency. The paper's editorial writers think it is terrible that such an exemplar of "bipartisanship" isn't permitted to run for the presidency. Which makes one wonder: Would the *Times* have even bothered to raise the topic were Schwarzenegger a real Republican and not a Trojan Horse for the Democrats?

In any case, the *Times* has taken to harassing California politicians on the subject, demanding to know why they don't support letting their governor run for the presidency. The reasoning behind their campaign is typically superficial. They dismiss the Founding Fathers' fear that a "foreign monarchy" might seize the presidency, regarding it as an outmoded concern that America in its new egalitarian enlightenment can now cast aside.

This is the same newspaper, of course, that rejected a constitutional amendment to protect the family against judges pushing homosexual marriage. The *Times* argued *then* that only the gravest reasons should compel a change in such a venerable document. Apparently the "Arnold amendment" satisfies the *Times*' weighty test of constitutional gravity.

Yet the Founding Fathers' reasons for prohibiting a foreign-born president remain perfectly valid, and the *Times* makes no serious attempt to engage them. Indeed, the framers' reasons look downright prescient in post-9/11 America. Does the *Times* think that the threat of "undue foreign influence," as the Founding Fathers put it, has passed? If anything, that threat has intensified.

*George Neumayr is* California Political Review's *press critic.*

Alexander Hamilton was not displaying paranoia when he wrote of the "desire in foreign powers to gain an improper ascendant in our councils. How could they better gratify this, than by raising a creature of their own to the chief magistracy of the Union?" Imagine what Hamilton — if he could see the amount of Middle Eastern money sloshing through American politics — would write today.

The Founding Fathers also knew that the risk of a foreign-born president went beyond the possibility of foreign powers planting someone in the presidency or influencing a president born and raised abroad. Even a foreign-born president not subject to insidious foreign influence was a risk not worth taking, they thought, given that unavoidably divided loyalties (due to an attachment to a country in which the president was born and raised, has fond memories of, family in, and so on) could make him either dangerous or ineffectual.

FOR EXAMPLE, would an American president, born and raised in the Middle East, with extensive friends and family there, be able to wage a campaign against Middle Eastern terrorists? Or would conflicted feelings make him hesitant and feckless? Would he identify wholly with the American interest? The framers' concern about divided loyalties wasn't nativist paranoia but a realistic recognition that a president's attachment to America must run to the deepest level in order to serve it effectively in times of crisis.

The *Times* doesn't even mention this problem, showing its essential liberalism by its smug mindlessness in pursuit of a momentary objective even more clearly than by the objective itself. Instead of a serious, but, from the paper's point of view inexpedient, discussion,



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# WE ARE THE PROMISE KEEPERS

We are the descendants of Native Americans who have called Southern California home for thousands of years.

We are the employers of 16,000 Californians - providing $750 million in wages and benefits.

We are the source of new business, new opportunities, and economic activity that have added more than $4 billion to California's economy.

We are tribal governments – building roads, schools, water systems, and providing other vital services.

We are partners with our neighboring cities and counties – providing millions each year for local police and fire services, road improvements, youth programs, and more.

We are part of California – both its past and its future.

We are the Tribal Alliance of Sovereign Indian Nations.

Agua Caliente Band of Cahuilla Indians
Augustine Band of Mission Indians
Cabazon Band of Mission Indians
Cahuilla Band of Indians
Chemehuevi Indian Tribe
Morongo Band of Mission Indians
Pechanga Band of Luiseño Indians

Ramona Band of Cahuilla Indians
San Manuel Band of Mission Indians
Santa Rosa Band of Mission Indians
Santa Ynez Band of Chumash Indians
Soboba Band of Luiseño Indian
Torres Martinez Desert Cahuilla
Twenty-Nine Palms Band of Mission Indians

## WE ARE TASIN

TRIBAL ALLIANCE OF SOVEREIGN INDIAN NATIONS

www.TASIN.org • (888) 95-TASIN

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# The Monaco Group

## Campaign and Fund-raising Direct Mail and Print Production Services

*Printing • Personalization • Mailing*
*Graphic Design • Collateral Materials*
*Promotional Items • Data Services*

---

## INCLUDING

**Absentee Ballots • Slate & Initiative Mailings**
**Campaign & Fund-raising Mailings**
**Self Mailer & Walk Pieces**
**Statewide Voter Files**

---


*The Monaco Group*
**1000 Ortega Way • Building C • Placentia, CA 92870**
**Tel: 714.630.5180 • Fax: 714.630.5187**
**www.MonacoGroup.com • email: vmonaco@monacogroup.com**



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

it instead engages in juvenile cheerleading for eliminating a tradition that appears contrary to "equality." The *Times* manages to work itself into a lather of indignation over the never before controversial point that eligibility requirements for the presidency are devised more strictly than they are for state offices. But why shouldn't that be the case? After all, the presidency is much more important than other offices. The Founding Fathers wisely elevated the bar for the presidency to ensure that the most powerful official in government — the official with the fewest restraints on him in time of crisis — had sufficient maturity and capacity for complete identification with the United States.

At the Constitutional Convention the issue of foreign-born presidents was barely even discussed. According to historians, nobody voted against the prohibition, and nobody even felt the need to articulate much of a justification for it since a foreign-born president was such a clearly bad idea to everyone there.

Historians do note the comment of Charles Pinckney, a constitutional delegate from South Carolina, who warned that what had happened in Poland 15 years before the convention — Poland was carved up after Austria, Prussia, and Russia planted a puppet in its election — might happen in America: "we shall soon have the scenes of the Polish Diets and elections reenacted here, and in not many years the fate of Poland may be that of United America." And they also note John Jay's comment that it would be "wise and seasonable to provide a strong check to the admission of Foreigners into the administration of our national Government; and to declare expressly that the Commander in chief of the army shall not be given to, nor devolve on, any but a natural born citizen."

The *Times* treats all of this as quaint folly, the grave protector of our venerable Constitution having smoothly given way to the obstinate whiner insisting that every

# WHAT YOU HAVEN'T BEEN TOLD ABOUT GUN CONTROL

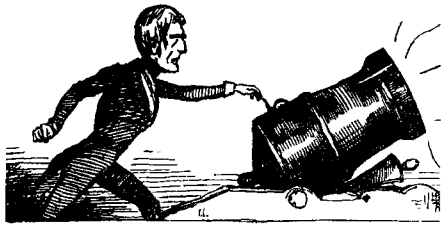
By SAM PAREDES

The anti-gun/anti-hunting left continues to provide the best evidence that eternal vigilance really *is* the price of freedom. Case in point: two years ago Santa Barbara Assemblyman Pedro Nava (D) sponsored a bill to ban lead ammunition within California Condor habitat. It was an initial probe, searching for weakness, and Nava brought only flimsy evidence to back his claim that hunters' lead bullets and shot pellets cause Condor lead poisoning. His bill was defeated in committee.

Last year Nava was back with virtually the same bill, but this time he brought the beginnings of what appeared to be scientific research, presented by folks with scientific titles. Again the bill died, largely because it threatened the Fish and Game Department by cutting into its hunting license fee revenues.

Turned back twice, the anti-gun/anti-hunters (cloaked as Condor lovers), next filed a lawsuit. Plaintiffs? The usual suspects — Natural Resources Defense Council, Physicians for Social Responsibility, Center for Biological Diversity — suing Fish and Game to stop hunters' use of lead bullets and pellets in the California Condor range, a significant portion of the state.

The constant pounding is gaining momentum and even some support in the California Fish and Game Commission whose vice chairman, Bob Hattoy, was quoted in published reports saying: "Lead is killing the condors. Lead is also poisoning hunters, their families and those who eat their kill. And it is killing the Native Americans who live off the land." No evidence exists to support any of Hattoy's wild charges.



Next, expect yet another bill, this time calling on gun owners to "compromise" to stave off the lawsuit. But any compromise will diminish our rights. The only non-lead ammo available usually costs three to four times the price of conventional ammo. And no research exists to tell what effect the non-lead ammo might have on Condors.

It's a matter of persistence: the gun- and hunting-haters believe they can always outlast free people who will finally give up. The facts, morality, and best interests of the people are all against them, but if they don't quit *and we do*, they still win. CPR

*Sam Paredes is executive director of Gun Owners of California.*



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

rule bow to the convenience of the liberal cause *du jour*. But the Founding Fathers' concerns still look a lot more serious than does the *Times*' enthusiasm for the "Arnold amendment."

⚜ ⚜ ⚜

With Internet-driven competition depleting the resources of major newspapers, increasing numbers of reporters are becoming former reporters, and the career choices they pursue after leaving big media often lend support to the contention that most reporters are liberal. To take one example, John Balzar, a *very* longtime *Los Angeles Times* political reporter, has left the increasingly wobbly paper for a new career — as an animal-rights activist at the Humane Society in Washington, D.C.

In a swan-song letter to friends and colleagues (posted at laobserved.com), Balzar said his new job would, "just as with newspapers," be a "calling more than work." As, he said, "an advocate for animals, I believe I can accomplish things that are well worth doing, and I relish the chance to combat those things that have no place in society. A new generation of leaders has taken the reins of the anti-cruelty crusade in the United States. I believe their ideas are ascendant. The world they imagine is a better one for all us animals."

⚜ ⚜ ⚜

The religious denominations that strain the hardest "to be relevant" continue to become irrelevant. As the religious left's congregations wither, so too do their publications.

"Liberal Christian magazines are stumbling," read a Religion News Service headline in January. Since 2003, according to the story, several of these publications have vanished: *The Other Side* magazine ended publication in 2004; "Presses have also stopped rolling at Christian Social Action, a 32-year venture of the United Methodist Church and the independent Christian Network Journal"; *The Witness* "phased out its print edition."

The bottom-line reason for the disappearance of these publications is that liberal Christianity isn't compelling. But the Religion News Service couldn't bring itself to admit that, preferring instead the strained explanation that their disappearance is due to a "reinvigorated" religious left that hungers for a new "spirituality" — a spirituality that it seeks beyond the world of publications and that finds even the liberal Christianity of the 20th century too doctrinaire.

*The Progressive Christian* magazine, for example, is planning to paddle out of the storm by eschewing the "old liberal" model, which, evidently, was not relativistic *enough*. Towards that end, it has created a "forum" where, it promises, no one gets to "speak God's last word." CPR

# Business Trends

## The Global Warming War

*Some businesses, evidently sensing a momentum shift to the GW side, have decided to ride with the devil.*

THEODORE A. ALTA

War has broken out within California's and the nation's business communities over global warming — not over "climate change," which is a matter of almost no interest to anyone, but over the vast political offensive the international left has launched and maintained against its old adversary, human freedom, this time using the "GW" banner for cover. The new development is that some businesses, evidently sensing a tectonic shift in favor of the GW side, have decided to ride

*Veteran political writer Theodore A. Alta runs a small business in Southern California.*



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# The Sacramento Club

## THE CALIFORNIA PUBLIC POLICY FOUNDATION

Sacramento Club Members provide essential support to keep *California Political Review* publishing. They share CPPF's devotion to individual and economic freedom; traditional American values; and honest, open, robust debate.

**Join today to help publish *California Political Review!*** Membership Benefits (donation of $1,000 or more):

- Full year complimentary subscriptions to *CPR* and *Capitol Watch*, plus e-mail alerts of postings at *CPR Online.*
- Attendance at regular Club Briefings with California legislators and conservative political leaders.
- Two VIP tickets to all events at the Sacramento Club's annual Capitol Day in Sacramento.

**CPPF Sacramento Club 2007 Membership Form**

☐ **YES,** I want to join the Sacramento Club to support *California Political Review.* (Contact us at: calprev@cppf.us or 805/445-9483.)
☐ I enclose my check for $ _____ to The California Public Policy Foundation (*mail to:* P.O .Box 931, Camarillo, CA 93011.)
☐ I prefer to donate by Credit Card: ___ Master Card ___ Visa

CREDIT CARD # _____ EXP DATE ___/___ Amount of gift: ☐ **$1,000.00** Other: ☐ **$** _____

SIGNATURE _____ NAME: _____ PHONE: ___/_____

ADDRESS: _____ CITY, STATE, ZIP: _____

Donations to **The California Public Policy Foundation,** a 501(c)(3) educational organization, are deductible to the extent permitted by law.


with the devil, presumably in hopes he'll eat them last as the nation rushes in the new direction.

As reported in late January on the *Sacramento Business Journal* website: "A consortium of ten large energy and industrial companies, including California energy giant PG&E Corp., has broken ranks with some other U.S. business groups by calling on the federal government to enact strict limits on emissions that can trap heat in the atmosphere and help create a market for credits issued to companies that cut emissions." The group calls itself "U.S. Climate Action Partnership" and, besides PG&E, includes Alcoa, BP America, Caterpillar, Duke Energy, DuPont, FPL Group, General Electric (Ronald Reagan's old company!!!), Lehman Bros., and PNM Resources. Published reports indicate these businesses have brought along a cadre of ideological commissars to make sure they keep their message and actions politically correct: Environmental Defense, Natural Resources Defense Council, Pew Center on Global Climate Change, and World Resources Institute are all also reportedly part of the new organization.

This PG&E-led white flag brigade directly contradicts the position long taken by most major American businesses. In 2005, U.S. Chamber of Commerce Executive Vice President for Government Affairs R. Bruce Josten, the organization's second-highest ranking officer, wrote members of the United States Senate sharply criticizing political efforts to impose exactly the sort of draconian regulation on business that PG&E and friends now advocate. "The U.S. Chamber of Commerce," wrote Mr. Josten, "the world's largest business federation, representing more than three million businesses of every size, sector, and region, urges you to oppose any amendment to H.R. 6, the Energy Policy Act of 2005, that would establish a mandatory cap-and-trade program for greenhouse gas (GHG) emissions. *Such amendments will limit the sources of energy the nation can use, impose millions of dollars in new costs on businesses, and will cripple the economy* .... Due to the importance of this issue, the U.S. Chamber will strongly consider including votes on, or in relation to, these amendments in our annual How They Voted scorecard." *(emphasis added)*

THE CALIFORNIA CHAMBER similarly objected last August when the Democrat-dominated California Assembly approved Assembly Bill 32 (Núñez/Pavley) setting in motion, a Chamber statement said, "a California-only, mandatory climate change regimen that will have severe, long-term consequences for the state's economy and consumers but do little to improve the global environment.



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

This bill will trigger significant increases in consumer and business costs for electricity and fuel, and higher prices for manufactured goods. And it will do next to nothing to affect emissions on a global scale so long as countries such as India and China continue their skyrocketing emissions growth."

Chamber President and CEO Allan Zaremberg called the legislation "a tremendous risk to our economy, as businesses may leave California due to our increased energy costs and take their jobs to other states and countries that don't have carbon caps," adding that the state would reap "little reward for this economic sacrifice if businesses simply take their greenhouse gas emissions elsewhere, having little impact on global climate change but a severe impact on California's economy."

The global warming debate has always featured a distinctly Alice Through the Looking Glass level of unreality. First of all, no one on either side predicts that the harsh, costly rules proposed in the name of reducing global warming will actually do anything to reduce global warming. More or less everyone admits that the human role in adding carbon dioxide to the atmosphere is negligible and — even if it were significant — that the various restrictions proposed will do nothing to limit the increased emissions from foreign countries, notably China (as the California Chamber said), so that even the trivial impact on the atmosphere possible through restricting U.S. companies and citizens will be undone by others elsewhere. And the whole premise that increased carbon dioxide will have any important impact on the environment is severely criticized by highly qualified scientists. The result of these critiques has not been a careful review of all the hypotheses and evidence to find the truth, but a politically correct witch hunt to discredit and deny funding to anyone not supporting the GW scare story.

The useless efforts, wasted resources, thwarted dreams of creative, hard-working people, and dangerous growth of government power are justified by their supporters as "first steps" in a process that, it is assumed, is necessary to save us from disaster. This campaign is not about environmental protection or avoiding harmful climate change. It is a massive act of faith and investment of our futures in the left's dogmatic belief in bureaucratic, top-down management of human life. They want global warming regulation not to deal with global warming, but to move the next step into the kind of socio-political straitjacketed system the tyrannical left invariably envisions as heaven on earth.

Thus, we must begin, they say in effect, by regimenting the people, making them used to following directives, working according to plans imposed from above. Then we will have in place the power structure to achieve anything. This is the same "first step" that, under socialism in the 1930s and '40s, was going to end poverty and inequality — and failed — and that later, in the 1950s, '60s, and '70s, under "First World" — America and the West generally — retreat from the "Third World," was going to bring freedom and prosperity to all the historically oppressed peoples of the southern hemisphere — and failed — and that now, under environmental protection, the most threadbare, fantastic excuse so far, is going to mobilize the human race to save itself from the catastrophes it has loosed upon itself by the terrible scourge of human freedom.

GUEST·SUITES
TEMPORARY LODGING

The Alternative To a Cramped Hotel Room

**Enjoy the luxury of a spacious one or two bedroom suite in two convenient locations.**

- Spouse and Children Stay Free
- Fully Furnished Apartment
- Fully Equipped Kitchen and Bath
- Free HBO/Local Calls/Cable TV
- Washer and Dryer in Room
- Daily Maid Service
- Swimming Pools/Jacuzzi
- Tennis Courts/Basketball Courts
- Private Garages
- Daily, Weekly and Monthly Rates

**For Sacramento**
**(916) 9825-4247 • Fax 641-2533**
http://www.guestsuites.com
e-mail: guestsuites@attglobal.net

For information and reservations:
**1-800-227-4903**



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

*CPR* regular contributor Ray Haynes last October reminded us (at *CPR Online*, "Scaredy cats: Business fights Prop. 90 in self-pity and cynicism, saying it must submit to survive in corrupt, socialist California"), of Austrian free market economist Ludwig von Mises' words, written in 1922, stating that "It is not the business of entrepreneurs to lead the political fight against Socialism ... It follows, therefore, that neither associations of entrepreneurs, nor those organizations in which entrepreneurs' support counts, are inclined to fight on principle against socialism." Von Mises' entrepreneurs can, on this basis, set the next trend for California business along the lines now established by PG&E and the "U.S. Climate Action Partnership," following the left uncomplainingly into the night of oppression and irrationality these unhappy ideologues lust after for all of us. Or they can recall that they are, in addition to being entrepreneurs, also human beings with backbones, if they will only give them a little exercise, with intellects, if they will only let themselves think, and with resources and votes, if they will only retain their self-respect as self-governing, free men and women. What, in the face of the latest left-wing hoax, will be the next "Business Trend" for California? That depends upon whether the productive people of our state decide to be first "entrepreneurs" or human beings. CPR

# The Law

## California's rogue elephant

*The Coastal Commission is a living embodiment of Acton's dictum on power and corruption.*

HAROLD JOHNSON

MAKERS OF public policy must be accountable to the people. That's a core principle of democratic government. But it has been eroding for decades, as ever more governing power has been ceded to regulatory agencies over which you and I have no control.

One of the landmark dates in this slide from freedom to tyranny was 1972, with the establishment of the California Coastal Commission. Charged with land-use oversight along the ocean's edge (and miles inland), the Coastal Commission is one of the nation's most notorious enemies of constitutional property rights.

With 12 members appointed by various state politicians — but not answerable to them, or to us — the Coastal Commission is a classic example of the "administrative state" that insulates policymaking from the democratic process. The panel's setup also violates the principle that zoning and land-use decisions should be left largely to local elected officials, not distant centralized bureaucracies.

The environmentalist zealots who designed the Commission didn't want then-Gov. Ronald Reagan to have the ultimate say over who would sit on it. They gave the Democrat-controlled Legislature power to appoint a majority — eight — of the commission's 12 governing members; the governor controls only four appointments.

But even the Legislature's role was divided, with four appointments going to the Senate president and four to the Speaker of the Assembly. By ensuring that no single elected official, or body of elected officials, appointed even a plurality of the commissioners, the designers got what they wanted: a rogue agency consistently arrogant to landowners and hostile to property rights.

The fight to rein in the Coastal Commission is as old as the commission itself, and, as it happens, this year marks the 20th anniversary of the most notable court victory in that effort. *Nollan v. California Coastal Commission*, a 1987 Pacific Legal Foundation case that is fa-

*Harold Johnson is* California Political Review's *Legal Issues correspondent.*



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

miliar to every law student, rose out of the Commission's practice of forcing coastal landowners to open up public rights-of-way across their property if they wanted permission to build on their land.

The U.S. Supreme Court recognized this demand for what it was: an unconstitutional shakedown. *Nollan* was a landmark decision not just because it ordered the commission to stop using the building-permit process as an excuse for extortion, but because it breathed new life into the "Takings Clause" in the modern era of pervasive regulation. *Nollan* insured that the Fifth Amendment's ban on uncompensated takings of property applies even to oppressive regulations, not just when government is actually confiscating land through eminent domain.

Unfortunately, the Coastal Commission's drubbing in *Nollan* didn't chasten it — or, at least not the people who really run the show: the extremists who oversee its permanent staff. Property owners still report being hit with outrageous demands as the price of a building permit (such as a requirement to plant "native vegetation" or to keep the "footprint" of the proposed home unreasonably small). But few victims have the stomach for litigation, so much of the panel's mischief goes unchallenged.

Every once in a while, however, the panel picks on someone who fights back. Last year, Pacific Legal Foundation won victories for two property owners in San Luis Obispo County who refused to bow to the Commission's bullying. One was Dennis Schneider, who had been told that he couldn't build a house overlooking the sea on his property because it might offend the aesthetic sensibilities of passing boaters, kayakers, and surfers. The Second District California Court of Appeal sided with Schneider. It pointed out that nothing in state law authorizes the Coastal Commission authority to use a "view from the ocean" standard when considering a building application. The court was especially critical of the Coastal Commission's executive director, the notorious environmental radical and empire builder Peter Douglas. Douglas had tried to justify his latest power grab by citing practices in Maine, because no good California precedent existed on his side.

The other San Luis Obispo County victory came in the case of the Crowther family, who had been prevented by the Coastal Commission from replacing an earthquake-damaged home on their farming and ranching land in San Luis Obispo County. PLF argued that the Commission was once again menacing property owners by taking jurisdiction over projects clearly beyond its legal authority. A Superior Court agreed, ruling that the Coastal Commission was wrong to second-guess the county's decision to let the Crothers build their house. As the Court put it, allowing the Coastal Commission to pull rank on the county in this case "would result in finding appealability [to the Commission] of virtually every development project" authorized by local government — and this precedent would undermine local decision-making up and down the coast.

The same issue is in play in a current PLF case in Laguna Beach. The California Coastal Commission is illegally butting into the decision-making process to scuttle a parochial school's request to put up new buildings. Earlier this year, the Planning Commission for the City of Laguna Beach was poised to approve the request by Saint Catherine of Sienna Catholic School to erect a new school building on its 6.59-acre lot. But now, in response to requests from local antigrowth groups, the California Coastal Commission has declared that it can hear an appeal of the City's decision.

Representing the school and the Diocese of Orange, PLF argues that the Coastal Commission is trying to interject itself where it has no business. When a local government has a certified local coastal program, as La-

*(Please turn to page 31)*

**Golden State Leadership Team**

Since its founding by Ronald Reagan and John Wayne, Golden State Leadership Team members have helped California Republicans elect leaders from the White House to the State House.

Because we value your support, the California Republican Party has put together a special group of benefits for Golden State Leadership Team members, including: complimentary invitations to private receptions with national and state Republican leaders; periodic polling and political insider information on California and the country; and special VIP recognition at the State Party Convention.

Membership is $2,500 per year.

*Golden State Leadership Team contact at CRP:*
**Molly Parnell**
MParnell@cagop.org
916-448-9496

ADVERTISEMENT



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

YOU'RE INVITED!

A GALA SPRING DINNER at the Aquarium of the Pacific

# "PACIFIC LEGAL FOUNDATION: FIGHTING FOR PROPERTY RIGHTS FROM COAST TO COAST - AND TO YOUR BACK YARD"

Featured Speaker: **HUGH HEWITT**
renowned radio host and law professor

**They're coming to take your property!** Across the country, bullying bureaucrats routinely trample on people's right to own and use private property.

**Pacific Legal Foundation is fighting back.** As the *New York Times* has put it, PLF is the "legal leader" in the fight to protect constitutional property rights against arrogant regulators, including the worst offender in California – the California Coastal Commission.

**Join us at our Gala Spring Dinner as PLF celebrates past victories and commits to new battles against the Coastal Commission and other abusive agencies from sea to sea.**

March 24, 2007 • Aquarium of the Pacific - Long Beach, California • 7:00 p.m. to 11:00 p.m.

For information and tickets, contact Jennifer Rohde at Pacific Legal Foundation: (916) 419-7111; *jlr@pacificlegal.org*.

PACIFIC LEGAL FOUNDATION

***www.pacificlegal.org***

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# Two Steps Forward — Into the Quagmire

## Governor Schwarzenegger's Health Plan

by John R. Graham and Diana M. Ernst

In his January health reform proposal, Governor Arnold Schwarzenegger bolstered bigger government instead of a better health-care system, but unlike one of his famous movie lines, the news is not *all* bad. To his credit, the governor adopted two of the five steps we recommended in the last *California Political Review.* He earns hesitant applause for advocating two important changes that will enhance individual liberty in health care.

These positives involve freeing both non-physician health professionals and Health Savings Accounts (HSAs) from unreasonable regulations. The governor wisely encourages the growth of low-cost health care delivery through reforming "scope of practice" laws affecting nurse practitioners (NPs) and physician assistants (PAs). Reform is necessary to allow the growth of retail "convenience clinics" that are working well in other states and drawing good reviews in Sacramento.



In such clinics these health professionals can provide certain primary care, and for lower

*Diana M. Ernst is a Policy Fellow at the Pacific Research Institute in San Francisco, and John R. Graham is PRI's Director, Health Care Studies. They wrote "Consumer Choice" in* CPR's *Jan./Feb. 2007 issue, and two papers referred to in this essay:* Curing California Health Care: Five Steps Towards Universal Choice in 2007, *and* Bulletproof? Health Savings Accounts in 2007 and 2008, *both published in January by PRI.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

cost than in physicians' offices. Retail medical clinics are an efficient, competitive alternative to long waits in an emergency room or a doctors' office for basic services. Therefore, the state must scrap the current regulation requiring that no more than four nurse practitioners work under the direct supervision of a physician. Californians should be free to take advantage of this relatively new option.

They should also be rewarded for gradually taking more responsibility for their own health spending. The governor continues to advocate a long overdue state tax break for Health Savings Accounts (HSAs), a kind of "401(k) for health," by aligning state tax laws with federal policy that allow Americans to make pre-tax contributions to HSAs. Such accounts are a prudent choice. Traditional PPOs in the employer-sponsored market will cost 50 percent more than HSA-eligible health plans in just two years, and about twice as much by 2019.

*If Californians had a competitive health insurance market, they could choose insurance policies that are basic or comprehensive according to their own health and financial needs.*

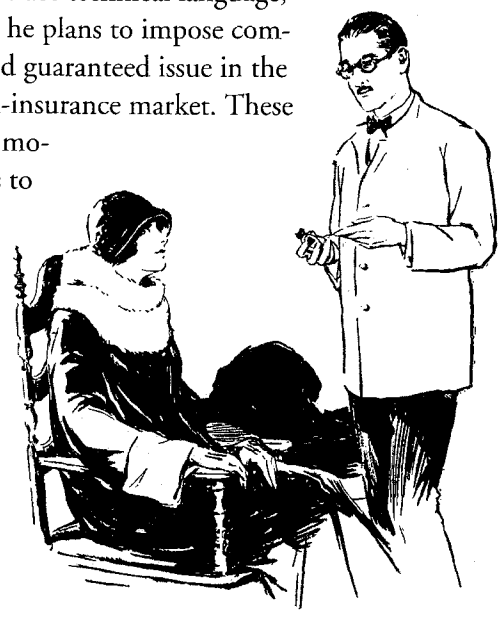
These two reforms target the problem that garners the most health-care publicity in the nation: the uninsured. Uninsured Californians will enjoy greater opportunities if health clinics expand because they will be better able to afford ordinary, primary care. The uninsured will also benefit from HSAs, because HSA-eligible health plans cost a lot less than traditional PPOs. Making them more attractive will induce more uninsured to become insured.

Unfortunately, these two steps appear as afterthoughts in the governor's 10-page plan to "cover the uninsured" — a concern he shares with colleagues of both parties who misunderstand that lack of health insurance is a result, not a cause, of today's health-care crisis.

The so-called "hidden tax" of uninsurance that the governor trumpeted is not as significant as advertised. A full 80 percent of the uninsured self-report good, very good, or excellent health. Requiring people to carry coverage is not an effective reform strategy. It only forces people to buy expensive coverage in a broken system.

Fixing insurance means returning it to its original meaning: coverage for catastrophic costs. If Californians had a competitive health insurance market, they could choose insurance policies that are basic or comprehensive according to their own health and financial needs.

In many ways, the governor's new proposed California health plan is similar to the one in Massachusetts. Governor Schwarzenegger, distracted by the overblown issue of Californians without insurance rather than the problem of *overregulated* insurance, champions a system (packed with 49 mandatory benefits for individuals) and intends to make it worse. Although he did not use technical language, he indicated that he plans to impose community rating and guaranteed issue in the individual health-insurance market. These policies basically motivate individuals to wait until they are sick to buy health insurance, with unsurprising results: insurers flee the state and premiums can triple.





LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The governor plans to fund this intrusion by asking for a hefty chunk of federal aid, by taxing doctors and hospitals, and by penalizing small business employers who don't provide insurance. The total cost of this unhealthy venture comes out to $12 billion — a strange way to solve a problem that, he claims, costs $9.5 billion.

Almost half of it must come from the federal government, and half of that, about $3.7 billion, will fund the expanded welfare programs Medi-Cal and Healthy Families, which will provide gym memberships and weight-management programs for enrollees. The California Public Employees' Retirement System (CalPERS) will provide premium reductions for engaging in healthy activities.

Governor Schwarzenegger wants to create an entirely new insurance subsidy pool administered by the Managed Risk Medical Insurance Board (MRMIB) for low-income adults that also has a Healthy Action Incentive/Rewards program.

Worse, all other health plans and insurers will be required to offer wellness packages that include rewards such as premium reduction for employers who offer these to their employees. This promises another bureaucratic nightmare for private insurers and will drive up costs.

Incentives for Californians to stay healthy should not be state-mandated. Many companies today are already using private incentives to help employees maintain good health. Two years ago, Campbell's Soup Company in Camden, Pennsylvania, implemented a new system for health care that reduces costs, enhances the direct interaction between employees and providers, and encourages employees to be healthy on their own.

The system offers employees full reimbursement for a self-insured medical plan. Campbell's offers incentives for its employees to join the company fitness center, provides discounts to local gyms, and holds Weight Watchers meetings at the workplace. Such incentives align the interest of individuals with their employers. On the other hand, the governor's solution — to incorporate preventive care with government program expansion — will increase Californians' dependency on the state, a sad result for individual liberty and health alike.

Governor Schwarzenegger made a wise choice to lift barriers on health professionals and HSAs, but his inappropriate decision to push "universal health insurance" at all costs illustrates the challenge that all government officials face: maintaining focus on long-term success, rather than short-term acclaim while they're in power. Free-market solutions, while challenging at first, secure the lasting objectives that California truly needs: choice, quality, and cost-effective health care. The misinformed media storm over the uninsured, however, has only led to a sweepingly ineffective health policy with dire consequences for California's future.

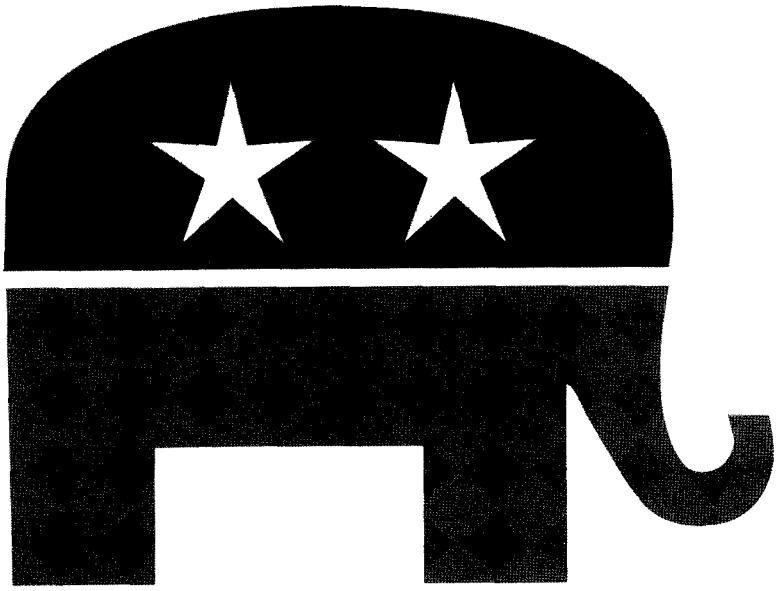
*The total cost of this unhealthy venture comes out to $12 billion — a strange way to solve a problem that, he claims, costs $9.5 billion.*

Governor Schwarzenegger's January proposal was not all bad but, overall, he has fallen prey to ideas that will achieve the opposite of what he expects. He has unleashed a dynamic that will motivate future leaders to seek even more money and power. That leaves California in need of preventive care against unlimited government control of our health resources. CPR



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

## CPR Roundtable



# The California GOP: Mapping Post-Partisan Land

### A *CPR* panel of experts offers perspectives on the state of the conservative movement and the GOP in California

***Bill Leonard * William E. Saracino * Shawn Steel***
***John Allan Peschong * Sam Paredes * CPR's Capitol Rumbler***

## BILL LEONARD — PERFORMANCE AUDIT FOR '06 NEEDED

The California Republican Party and the Governor had touted this year's Victory '06 effort as the end-all, be-all of voter identification and activation. I had been excited about it. I saw what microtargeting accomplished for the president in Ohio two years ago and was eager to replicate that success in California. That excitement faded as results were tallied.

Clearly, Californians are not motivated to register and vote. For years, the CRP has had a free market-oriented voter registration program where it would pay a bounty to local Party organizations and volunteer clubs, particularly Republican Women Federated. This served the dual purpose of registering new voters and motivating volunteers year 'round. I am told that the bounty program was set aside in favor of paid registration solicitors. Were the results as bad as have been reported? If so, then the new Party leadership should immediately restore the bounty program and encourage Republican volunteers to help local clubs raise money through voter registration drives.

I was told the CRP budget for the voter contact and get-out-the-vote program was $20 million, but I also hear that only $15 million was actually spent on the program. I know some county operations did a better job of working with the CRP on this program than others. This could make for a great performance review if we hurry; before memories fade and paper trails are lost, we can compare the CRP-sponsored pro-

*Bill Leonard is a member of the California state Board of Equalization, representing the Second District.*



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

gram to those areas that did their own program. I believe it would be in every Party member's interest to learn what worked most effectively to identify friendly voters for our candidates, what successfully encouraged them to vote absentee, and what is the best program to make sure they voted.

A review of these two areas — voter registration and GOTV — should be done after every election. I am pleased to see so many candidates for CRP offices have pledged to implement such a review. It can only make the Party stronger.

However, there is a third area that cannot be ignored: ethics. It is clear that the Party was cheated in the printing of one mailer that included a position contrary to that of the Party, forcing us to spend extra campaign dollars to correct the fraud. Two things should happen. 1) Steps must be taken to insure Party members that Party money will be spent on purposes they have endorsed. This is fundamental to restoring credibility to the Party leadership as it represents the rank and file members. 2) An investigation should take place in public to identify who deliberately ordered the printing of a false statement. The Party should demand that person(s) reimburse the Party for its costs, and any other contracts with that person(s) should be cancelled.

All three of these reviews should begin at the CRP February convention and the results should be reported to the membership immediately without waiting for the Party's *next* convention.

## WILLIAM E. SARACINO

## THE FUTURE IS PROMISING DESPITE POLICY DIFFERENCES

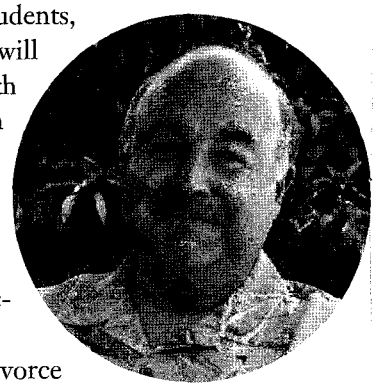
Reviewing the state of the California GOP in a few words is akin to summarizing the works of Charles Dickens in a paragraph or two. Any such review will of necessity be condensed, but the Party's health in this state rests on two pillars: nuts and bolts execution and the philosophical face it presents to the voters.

Those responsible for these two jobs too often confuse their tasks. It is the job of the state Party and county committees to accomplish the nuts and bolts tasks of voter registration, candidate recruitment, voter I.D. and turnout, along with the fund raising necessary to accomplish these jobs. It is not, or should not be, within the purview of these committees to fuss about philosophy. Lots of GOP organizations and elected officials are around to do that. Bogging down in ideological mud wrestling is a recipe for ineffectiveness with regard to these committees' actual job: electing Republican candidates. Staying away from issue battles and concentrating on building a robust party infrastructure is a recipe for success for GOP candidates of all philosophical stripes.

The model for this approach is San Diego County, and the poster boy is its chairman, Ron Nehring. Whatever your personal ideology, his ascension to the position of state Party chairman is an immensely encouraging event. If he can do for the state Party even to a small degree what he's done in San Diego, the California GOP will be a stronger, healthier, and more powerful organization in the years ahead.

That being said, the public face of the Party — as projected by its elected officials — is the voters' first impression of the GOP and on that topic the future is more muddled. Put frankly, Governor Arnold Schwarzenegger's philosophy has morphed dramatically since 2003, and he now apparently has a very different view of what it means to be a Republican than do most other GOP elected officials at any level.

Some differences can be worked out, but some won't — and that's not necessarily the end of the world. Presenting nuanced policy positions can be a sign of maturity and can appeal to voters, particularly Independents. However, presenting diametrically opposite policy positions on core issues (taxes, crime, protecting the border, the size and power of government vs. the individual) will lead to public confusion about what the GOP stands for. That is almost always a recipe for electoral disaster.



I suspect that interested GOP parties on all sides of this imbroglio (for UCLA students, that means a disagreement) will find ways to co-exist and smooth over most rough edges. It is in the distinct best interests of all involved to do so, and when that condition exists in politics that end (papering over of the differences) is usually accomplished.

Those advocating an open divorce between the governor and the GOP are wrong. Bill and Hillary Clinton are still together for gosh sakes. Compared to those two, the governor and the California GOP are love-struck newlyweds. Dis-

*William E. Saracino is a member of* California Political Review's *Editorial Board.*



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

agreements and battles will occur, of course, but in the long run the political health of both the governor and the state GOP are better off if, after major spats, they kiss and make up. Let the smooching begin.

Policy disagreements will come, but assuming both sides realize that all-out open warfare will be destructive to each, the California GOP will be just fine in the next couple of years. And if Ron Nehring can work his magic structurally, "just fine" will be the floor, not the ceiling.

Now if the question is the state of the conservative movement in California, Governor Schwarzenegger is frankly irrelevant. That is sad, and I wish it weren't so, but he has dictated the current state of affairs. I wish he would rediscover his "mentor," Milton Friedman. I wish he would rediscover Friedman's commitment to the actions of free people in a free economy *always* being superior to statist intervention. Alas, economic freedom and average citizens *being* free of government intervention in their daily lives appear to be lost concepts in the governor's post-partisan world.

So be it. The above observation is not really meant to be critical (though I am a critic of the governor's recent actions and statements) but rather a simple statement of fact. The governor will do what he thinks is best, and so must conservatives.

Though it might sound simplistic, Ronald Reagan's recipe for conservative revival, stated at the 1976 Republican Convention at one of the lowest points of his career and of the fortunes of the conservative movement, still holds true today. "Raise a banner of bright bold colors with no pastels." Let the people know what we stand for, how we would lead, and how our policies would create a different future – a *freer* future – than the roadmap currently being drawn by Don Perata, Fabian Nuñez, and Arnold Schwarzenegger.

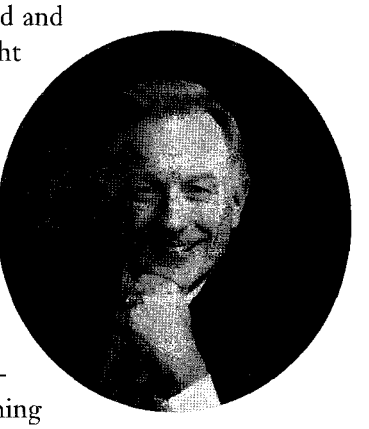
This can be done without being uncivil or needlessly hostile to anyone, especially the governor. But it *cannot* be done by being afraid to speak plainly about policy differences when they appear with Schwarzenegger Version 3.0. It would be a disservice both to the movement and to the governor to shy away from frank, forthright (yet personal-attack free-) discussion of our differences. I suspect both sides would learn from such an exchange and, in the long run, this would be the healthiest course for all involved, not least, the people of California.

*It would be a disservice both to the movement and to the governor to shy away from frank, forthright (yet personal-attack free-) discussion of our differences. I suspect both sides would learn from such an exchange*

*— William E. Saracino*

## SHAWN STEEL THE REMEDY: OUT WORK THE DEMOCRATS

In the last half century the California Republican Party faced three major catastrophes. In 1958, the infamous "Big Switch" between U.S. Senate Majority Leader Bill Knowland and popular Governor Goodwin Knight (in which Knight ran for Knowland's senate seat while Knowland ran for governor) destroyed the 50-year Republican rule over California, making Democrats the dominant power in the state. The Party never fully recovered from the "Big Switch." Again, Jerry Brown's accession to the governorship during Watergate (remaining



Family Owned SCREEN PROCESS Colby Since 1946 LETTER-PRESS
POSTER PRINTING CO.
POLITICAL SIGN SPECIALISTS
11"x 14" to 4'x8' And Larger!
ALL WEATHER Coroplast & Polycoat Stock
Street / Yard Signs ★ Demonstration Signs
Bus Signs ★ Billboards ★ Banners
72" Inkjet Printer QUICK TURN AROUND
(800) 956-7707 Tel: 213-747-5108 Fax: 213-747-3209
1332 W. 12th Place, Los Angeles, CA 90015 www.colbyposter.com



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

from 1974 to 1982) marked another dark era for the California GOP. Finally, the Party suffered the 1998 Dan Lungren blowout by Gray Davis.

While Democrats have largely dominated at the state level since 1958, California generally voted Republican in presidential contests until Bill Clinton whipped George Bush the Elder in 1992.

What obviously brought us back the first time was the rhetorical genius of Ronald Reagan, a once-in-a-century political figure. In 1992, George Deukmejian beat Tom Bradley for governor — two weeks after the polls closed. Due to CRP chairman Tirso del Junco's stubborn insistence on funding a radical absentee ballot effort, despite some old-school Party leaders' opposition, the absentee ballots eked out a less than 50,000-vote victory over Mayor Bradley, giving Republicans the governorship for the next 16 years. Those were good years.

Recovery from each of the three catastrophes resulted either from the blossoming of a great leader or smarter politic tactics. Democrats since the 1960s have always enjoyed a substantial registration edge. So what are the chances for Republicans to recover in the foreseeable future?

Demographically, Democrats do not enjoy permanent ruling class status. Their Party registration has been shrinking steadily for the last decade. The gap between the two parties is closer than at any time since the 1930s. *Their* primary base support now consists of little more than the potent government unions. No Democrat candidate can succeed without paying homage to the unions. However, the 2003 Recall showed that even the powerful California Democrat machine can lose — and by embarrassing numbers.

Republicans will have to master three fundamentals if they hope to become a majority party in the next 10 years. They must identify *their* brand as the only Party for the middle class (not the under class): the middle class that includes all racial categories; that is pro-education, anti-taxes, pro-property ownership, pro-crime enforcement, pro-growth, and with great respect for the family. When Republicans act like "Democrat lite," voters become confused. When we support endless spending, when we call a tax "not a tax," we lose that majority constituency.

The Party should learn from the Democrats the wisdom of reaching out to new immigrants. For our Party, reaching out is some abstract idea, often discussed but seldom acted upon. Consider this contrast: California's Vietnamese and Korean voters versus its Chinese voters.

Republicans can boast the only Vietnamese legislator, Van Tran, who has helped elect more than a dozen Vietnamese Republicans in Orange County since he was elected in 2004. Michelle Steel hopes to do the same with Korean-American voters. But the culturally conservative Chinese have five very liberal Democrat legislators, a majority of the Board of Equalization, and the controller's office. Were I Chinese, I sure would appreciate the opportunity Democrats offer my community.

Finally, the Party has a splendid chance to recruit on college campuses. Polls show that more students than ever describe themselves as either conservative or entrepreneurs wanting to excel in business. College Republicans often produce the Party's future leaders, but are traditionally ignored, even though a relatively tiny allocation of resources in their direction could double the California GOP's supply of potential leaders during the next 10 years.

Our problem is not on the issues. Democrats use government to bribe the voters. We like to *prevent* government from interfering with peoples' lives. Most voters would agree with us. The Republican challenge is to out *work* the Democrats: to devote themselves to developing, as the Party has in the past, a superior strategy; to recruit minority leaders; to fund and fully support our college leadership (to supply the Party's own leadership down the road), and to stand *consistently* for the promotion of the GOP's middle-class values.

---

*Shawn Steel is immediate past chairman of the California Republican Party.*

---

## JOHN ALLAN PESCHONG — BACK TO DOOR-TO-DOOR, HAND-TO-HAND CAMPAIGN COMBAT

Republicans find themselves out of power in the U.S. House and the U.S. Senate for the first time in 12 years. We had a tremendous opportunity to continue to build our grassroots and these last two years we squandered that opportunity. During the period 2000 to 2004, state parties and county parties were able to focus resources and energy on registration, building and maintaining their voter roles, and re-energizing our Republican volunteers.

When the president was first elected, through his re-election in 2004, all volunteer energy was focused on

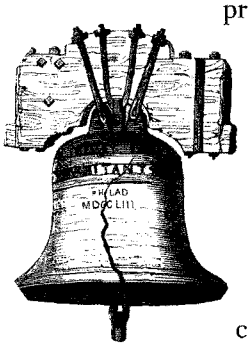


LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

building the voter files in all the states. For the first time, the Republican National Committee supplied to the states a nationwide, web-based voter file, called Voter Vault. It was an outstanding tool to enable county and state parties to organize. With Voter Vault, a small county like Yolo or a big county like Los Angeles could go online to look up voters at any time. Volunteers were able to append identifications to individual voters. Voter Vault allowed the Republican Party to return to grassroots organizing and build up an organization that could win elections

The Democrats tried to follow the RNC's lead in 2004 by building a program they called "Demzilla," and it was a complete failure. The DNC was years behind in the technology and years behind in the collection of voter files. Voter file collection *takes* years. In California, you have to go to each individual county to obtain the file. There is not one central location, so it takes time. When the RNC was able to get Voter Vault online, it revolutionized organization on a precinct-by-precinct basis. In a state that has 45,000 precincts, it's a tool that focuses our efforts where they should be: on building a grassroots organization.

The California Republican Party should focus its efforts on helping the county parties, which are the backbone of the CRP, by working on re-emphasizing basic grass-roots activities: door-to-door, phone banking from central headquarters, registration programs, voter identification programs. Then, when national issues bring our Party together and move us forward, the Republican grass roots structure is there to support the national effort.



I believe the California Republican Party, the Republican county central committees, and the Republican National Committee should re-commit themselves to building a county-by-county, technology-based, pro-active grassroots organization that can be instrumental in our 2008 victory.

Looking to the immediate future: incoming CRP Chairman Ron Nehring's background in door-to-door, hand-to-hand campaign combat should help in shifting the CRP back to the type of organization that supports the grassroots.

*John Allan Peschong, California Republican Party executive director from 1993 to 1997, is a partner with Meridian Pacific, a Sacramento-based campaign and grass roots public affairs firm.*

***After a loss on a national scale, people have a tendency to point fingers and look backwards. Ron's toughest job is going to be to get people to focus forward toward re-energizing grass roots.***

***— John Allan Peschong***

Ron is going to have to do some heavy lifting to get people to focus. After a loss on a national scale, people have a tendency to point fingers and look backwards. Ron's toughest job is going to be to get people to focus forward toward re-energizing grassroots. He will have to motivate people by forging a common vision and convince people to buy into his political plan. The grass roots need to be cared for, nurtured, and developed over a long period of time. It can't be done in a month or two months before an election so, as soon as he's elected, he should start to work with our people and help them develop the necessary tools to do the job thoroughly.

The CRP's re-organization of a few years ago did two things: it brought more local representation to the state central committee through regional vice chairmen. Before the re-organization there was a southern, central, and northern vice chairman; now we have real regional representation and I believe that it has been 100 percent successful in bringing more local voices onto the board of directors. The second thing it did was help the board of directors control the grassroots funding which brought more money into local headquarters where the money could be spent on local grassroots needs.

## CPR'S CAPITOL RUMBLER THINGS COULD BE WORSE, FAR WORSE

*The following analysis, special to* California Political Review, *is written by a California operative who has toiled in the past on behalf of private sector clients in and around state government.*

While many in the GOP are wearing long faces because of the results of last year's election and the current state of affairs, the reality is that things could be worse. Much worse. The nationwide slaughter of the GOP brought on by President Bush's epic unpopularity and



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

voter disgust with the wantonly corrupt and incompetent GOP Congress would have meant the loss of several more state legislative seats if the districts had not been bullet-proofed by the 2001 redistricting deal.

Another inescapable fact is that Governor Arnold Schwarzenegger is far better than either Gray Davis or Phil Angelides, both for GOP elected officials and the business interests that have to deal with a Legislature that is, for all practical purposes, controlled by Socialists.

Since 2003, Mr. Schwarzenegger has resolutely defended the fort on tax increases and trial lawyer mischief, he engineered the fix on workers compensation, and he has vetoed hundreds of anti-free enterprise bills pushed by the usual crowd of political pests, both large and small, benign and malignant. Collectively, these actions have saved all California companies billions of dollars per year. And lest folks forget, he drew and quartered the obnoxious and odious car tax as one of his first actions after taking office, which puts more money in the pocket of everyone that drives a motor vehicle.

He has also come out against, and helped to defeat, nearly all of the offensive ballot initiatives pushed by the public employee unions and the other left-wing money grabbers. Would Gray or Phil take any of these actions on behalf of the citizens and the taxpayers?

Yes, the governor ignored the GOP and did deals last year with the Democrats on three big issues: minimum wage, prescription drugs, and global warming. And yes, he has made some questionable appointments, and yes he listens to some odd people from his LA world that GOPers wish did not have his ear, and yes, he could be a tougher negotiator with legislative Democrats, and yes he did not do much for down ticket GOPers in the November election. But the bottom line is that he is a moderate/liberal on social issues and a moderate/conservative on economic issues. That is reflected in his record, and we have no reason to think he will change in his second term. In a world with no Arnold, well — the GOP should contemplate what the state would be like if Gray Davis had been succeeded by Phil Angelides. Then, what we have does not look so bleak.

Another hard truth is that the only real leverage the GOP has in Capitol politics is on measures requiring two-thirds support for passage, namely: the budget, certain spending proposals, and tax increases. The GOP can use this leverage if it can keep its own caucus members from cutting side deals that are good for them but bad for the Party. One probable opportunity for the GOP to use its leverage with the two-thirds vote is in the coming health insurance debate, depending on how the pieces of the health care matrix are treated by the Legislature. But the GOP's whole approach should be thought out carefully, at both political and policy levels. For instance, they should think carefully about basing their opposition to the plan on things like health care for illegal immigrants. GOP critics leading with this emotional issue will quickly be tarred as mean spirited hypocrites when it is pointed out that the immigrants already get federally mandated health care, usually in our emergency rooms, which is the least effective way to deliver medical services. And do these GOP critics really have the stomach to visit one of the farms or hotels in their districts that use immigrant labor, look those people in the eye and tell them that they should be denied medical care if they are injured in an accident or have a serious illness?

Also, why rush to the press with quotes critical of the governor's plan? Do the GOP leaders really think the media cares what they think? Don't they know they are walking right into the media's trap by giving them grist for headlines that crow about the GOP opposition to their governor's proposal? Why not lay back for a while, say you are carefully analyzing all the major proposals and see what develops — in the courts, in the administration, in the media? The GOP should assume there will be a bill this year on health care and their stand can be that the end product will be better if it includes some of their ideas. But what is the incentive for the governor to include them in the drafting process if the first thing they do is take an ax to his proposal? Even those opposed to much of his plan say the governor deserves credit for his comprehensive approach to addressing the dysfunctional mess that is health care in California.

So for the next four years, the GOP statewide representation is Governor Arnold Schwarzenegger and Insurance Commissioner Steve Poizner — certainly an improvement over 2003 when the Democrats owned all statewide offices. The governor's office in California is powerful and Arnold can do much without the Legislature, as he has already shown. And he can, and probably will, block most of the left's ongoing depredations on private property and individual freedom. Mr Poizner is young, rich, smart, and attractive. He is well positioned to become a popular political figure leading up to the next statewide election in 2010.

The opportunities are there for GOP legislators to be relevant and effective in the public policy arena and to



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

maintain the political ground they have while, perhaps, making incremental gains. But the poker table reality is that Republican lawmakers have the "short stack" and the governor and the Democrats sit safely behind much larger piles of chips. If GOP legislators play their cards with care, stay in the game, and wait for their chances to make the right moves at the right times, they may not knock the other guy out, but they could win some of his chips and strengthen their position.

## SAM PAREDES WHICH ACTOR WILL THE GOP FOLLOW?

It's been a long time since we had a leader who knew deep down in his heart that what he believed was true, righteous, and immutable: one that believed this so deeply that he was willing to suffer brutal criticism from the media and the far left and continue on a straight course. He was able to do this because he had the gift of conveying his beliefs in simple, yet not simplistic, terms. He was able to use those who criticized him as a vehicle to deliver his resonating message to the people, the average citizen. He was an actor by profession but was destined to be a patriot, a statesman, and a leader for his nation and the whole human race. *That* actor was Ronald Reagan.

Under his leadership we saw the fall of communism, tax relief for the taxpayers, and a country that was at an all-time high in pride and prosperity. In his case, citizens of all stripes, both Republicans and Democrats were enthusiastic about being Americans.

Can Republicans take lessons from Ronald Reagan? Or will they now follow another actor in office, Governor Arnold Schwarzenegger? The governor used to talk about having an honored bust of Reagan on his desk, but although his time in office in various ways began by reminding everyone of the former president, *this* actor now more resembles a NASCAR driver: following a set course with all left turns.

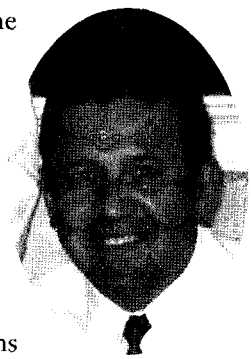
Republicans must regain the high moral ground, getting down to basics. And that doesn't mean just going on defense while fighting the liberal Democrats in the Legislature. Republicans should concentrate on sending the right message to voters, the people who send the legislators to the Capitol.

How can they do that? Well a perfect example was just given to the Reps by non-other than Arnold Schwarzenegger himself. He just couldn't see it.

In a stroke of miraculous luck, Arnold faced one of the most liberal Democrat candidates in the history of the state in his bid for re-election. Phil Angelides did not run an inept campaign; he ran a truthful one, espousing all of the radically liberal things he would do to fix California. He would raise taxes, he would socialize health care, he would do this and he would do that. That is why he lost. Californians would not put up with his ideas so they swung to Arnold because he would *not* raise their taxes. It was that simple message of "no new taxes" that ultimately won the day.

***Phil Angelides did not run an inept campaign; he ran a truthful one, espousing all of the radically liberal things he would do to fix California. He would raise taxes, he would socialize health care, he would do this and he would do that. That is why he lost.***

***— Sam Paredes***



That's the lesson. Republicans must become a team; one that can craft the simple message and deliver it to the voters. That requires work, creativity, and a dedication to the truth.

The media says everybody wants a "kumbaya" form of "bi-partisanship," as though the only thing standing in the way of solving all the state's problems were Republican stubbornness. The election told a different story: that the voters are not so naïve, that they really want "no new taxes." Republicans should fight with all their strength to give the voters what they really want. And they should point out who is *not* giving it to them.

It's time for Republicans to let the voters know that they believe in freedom and that they are going on the offensive to regain it. Then both California *and* the Republican Party would win. CPR

***Center for Teaching the Constitution***
Betty Gault Cordoba - Treasurer

Constitution/Declaration Booklets with Index - $1,
Common Sense -$3, The Federalist Papers -$10,
Democracy in America -$28, A DVD of the Fndg of America -$22,
A Superlative Study Guide (379 pp) - $26.

P.O. Box 5118 • San Marcos, CA 92079
Ph.: (760) 727-7155 • boopster96@aol.com



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# An Opening for Common Sense

*"The beginning of political wisdom is the recognition that liberalism is at the end of its intellectual tether."*
*— Irving Kristol*

What used to be called "liberalism" has degenerated into reflexive attacks on everything from the family car to free speech to the Boy Scouts — a movement without a mind and with nowhere to lead. Common sense is the cure — find it in the pages of *California Political Review*. Subscribe today!

*I can't tell you how impressed I am with California Political Review.* — **William A. Rusher**

*California Political Review is filling a critical need in the Golden State.* — **Bruce Herschensohn**

## To order, visit our website (www.cppf.us) or call: 1-800-887-7676

*or* send this form to the address below. Thank you.

Send me a full year of *California Political Review* (SIX bimonthly issues PLUS, every Friday, *Capitol Watch* by e-mail) for the Special NEW SUBSCRIBER rate of just $19.95 — more than 32% off the cover price!

Name _____
Please Print

Address _____

City _____ State _____ Zip _____

**E-mail address** (Required to receive Capitol Watch) _____

___ Check (payable to the California Public Policy Foundation) ___ Credit Card: ___ MC ___ Visa

Credit Card # _____ Exp. Date _____ Signature _____

CALIFORNIA★POLITICAL
REVIEW

**Must reading for informed Conservatives**

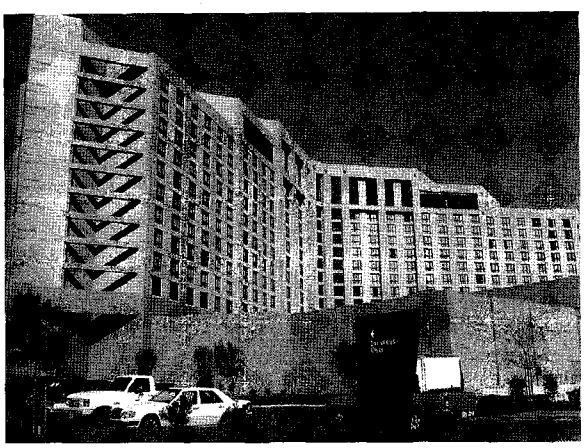
*California Political Review*, P.O. Box 931 Camarillo, California 93011-0931, *www.cppf.us*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

## California Indian Gaming

# Blessing *or* Curse?

***Resolved:*** **Tribal gaming has been good for tribes and surrounding communities as well as California communities in general as tribal gaming is the only proven activity that has afforded tribal governments and many surrounding rural communities with a viable means of economic development.**



***Pechanga Resort and Casino***

## Affirmative: Tribal government gaming works for California

### Anthony Miranda

California tribes once relied on the richness of the region to provide them with a wide array of resources. As times changed and tribes had their territories shrunk in the wake of waves of settlers — not to mention diseases, massacres, and broken treaties — they were often left with only the tiniest of fractions of their former territory, and only then if they were lucky. These remnant lands were often in remote, inhospitable parts of the state where resources were somewhere between scarce and non-existent.

Once a society is deprived of its basic means of resource and thus

*Anthony Miranda is the chairman of the California Nations Indian Gaming Association and a member of the Pechanga Band of Luiseno Indians. Chairman Miranda has been involved in various tribal economic development projects since 1991 and was the chairman of the Pechanga Development Corporation from 1994 until 2006.*

## Negative: Tribal gambling is a loser for California's communities and body-politic

### Fred Jones

The social, political, environmental, and economic costs of large-scale tribal gambling far outweigh the benefits transferred to a select few lucky enough to be associated with a prosperous casino. And not all Native Americans have benefited from the modern-day "white buffalo" of slots, even among wealthy gambling tribes.

The story of tribal gambling began in Southern California in the mid-1980s, as one poor tribe in Riverside County waged a legal battle with California regulators to protect their sovereign right to pursue economic ventures, including bingo games, without state interference. In a 1987 U.S. Supreme Court decision to resolve this dispute, the high court held that tribal governments could engage in any gambling activity that any citizen in their resident-state was authorized to do.

To provide rules to regulate properly this new inter-

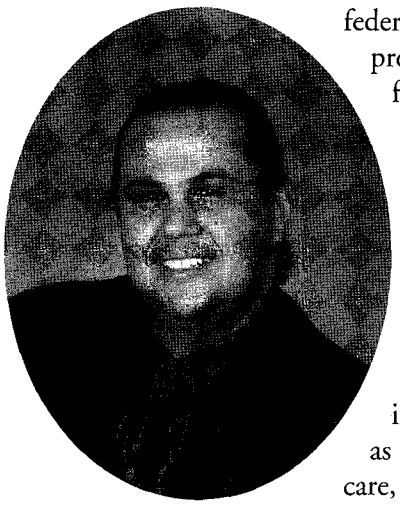
*Fred Jones, a practicing attorney in the Sacramento region, is legal counsel and advocate for the California Coalition Against Gambling Expansion. He has worked 15 years in the state Capitol, eight as a legislative staffer and, for the past seven years, as a contract lobbyist.*



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

## Miranda

economy, there are not many remedies. Largely ignored by the state of California, tribes had to subsist on the meager rations that the federal government grudgingly provided them as part of its federal trust responsibility. Tribes had tried various means of economic development over years such as agricultural operations (where arable land was available) and other small businesses. However, none of these provided the funding for such basic necessities as infrastructure and health care, let alone the start up capital necessary for sustained prosperity.



Anthony Miranda

Throughout much of the 20th century, the federal government and others tried to figure out a way for tribes to generate real start-up capital that would lead to prosperity and of the dozens of public and private sector schemes that were tried, a grand total of one worked — tribal government gaming.

According to this nation's founding documents and held up by two-plus centuries of treaties, federal law, and case law, tribes are sovereign entities whose territorial jurisdictions are roughly equal to that of individual states. The U.S. Supreme Court recognized this in 1987 when they sided with the tribe in the *California v. Cabazon* case. A year later, President Reagan signed the Indian Gaming Regulatory Act (IGRA) which provided the federal framework in which tribes conduct gaming. The results, as surely both sides of this argument can agree are nothing less than stunning.

For the first time in five-plus centuries, tribal government gaming started to produce a turnaround in fortunes as some tribes began to see an infusion of capital to match their long held desire for a better life. Many California Indians, even those in early middle age, can tell stories of living in shacks made, literally, from

## Jones

pretation of tribal authority within the 50 states while preserving tribes' economic opportunities, Congress quickly passed the 1988 law known as the Indian Gaming Regulatory Act.

Among other provisions, IGRA required tribes to get an agreement (or "compact") with state officials if they wanted to employ Class III or "house-banked" games (such as slot machines), in the hope of keeping a lid on the potential explosion of gambling activities not regulated by the states. It is important to note that although IGRA was originally designed to regulate a bingo industry of less than $2 million gross revenues nationwide, that original law has not been amended a single time since its inception nearly two decades ago. Today, tribal casinos have gross revenues of nearly $23 billion annually ($7 billion in California alone), but not because of bingo.

In the early 1990s, several California tribes began inserting profitable slot machines in their budding casinos, with several amassing millions of dollars in campaign war-chests to be doled-out to policymakers grappling with how to regulate this burgeoning industry. None of these early, Class III casinos had tribal-state compacts, and our state's constitution clearly forbade slot machines.

When the California Supreme Court emphatically stated this legal reality in striking down the 1998 Proposition 5 statutory initiative — which sought to legitimize these slot machines — the Legislature responded in just 11 days by qualifying a Constitutional Amendment (Prop 1A) for the March 2000 ballot. Fol-



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tin cans and having to hunt small game just to eat dinner.

Now, on these same reservations, stucco sided houses are springing up where the tin-can shacks once stood. Paved roads stand on top of what once were dusty lanes. Health clinics with modern equipment and full-time medical professionals now provide much-needed health care on sites that were barren landscapes.

***Tribal government gaming employs over 56,000 Californians, an estimated 90 percent of whom are non-Indian.***

Contrary to gaming opponents' claims, tribal government gaming has not just benefited a small number of well-situated tribes. Rural non-Indian neighbors have often had the shared experience of economic hardships. Tribal government gaming has also given them an economic infusion as today gaming employs over 56,000 Californians, an estimated 90 percent of whom are non-Indian, often in the poorest areas of the state.

Simultaneously, tribes are also paying into a fund (the "Special Distribution Fund") that directly benefits neighboring local governments. This fund distributes monies to local governments, many with locally stressed tax bases, to mitigate any impacts derived from tribal government gaming enterprises. Since the inception of this fund in 1999 through January 2006 (the latest date for which statistics are available) tribes have paid $371 million into this fund.

Similarly, tribes also pay into another fund

lowing 1A's passage, one select group of California citizens was given an economic "privilege" that no other citizen or class of people was afforded, *i.e.*, slot machines — which are known as the "crack cocaine of gambling addicts," and which produce the greatest profits for casinos.

While gambling has economically advantaged enrolled members of tribes with prosperous casinos, many of our indigenous residents have been frozen-out of this financial bonanza. The vast majority of Native Americans not affiliated with a tribe or casino, as well as those disenrolled from their tribe as a result of greedy tribal councils unwilling to share profits, are not reaping anything from tribal gambling.

There are countless stories of internal struggles among tribes tempted to cash-in on their aboriginal status. An organization of Indians recently formed by a former Pechanga member addresses the growing problem of mass disenrollments among gambling tribes. So far state and federal officials have refused to do anything to protect the civil rights of these disenfranchised Native Americans.

The negative impacts of tribal casinos on the surrounding communities are too numerous to count. Many tribes asserting their sovereignty have conducted labor, environmental, and contractual abuses that would make the robber barons of the Gilded Age blush. Concerned citizens, cities, counties, businesses suffering breached contracts, and labor organizations that have attempted to address the situation have been confronted with cadres of high-priced attorneys and lobbyists. California politicians have largely turned a blind eye and deaf ear to these disputes, pac-

**Fred Jones**

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

(the "Revenue Sharing Trust Fund") that is distributed among tribes that either have no gaming operations at all, or whose operations are so small, 350 machines or fewer, that additional revenues are required just to meet basic governmental needs. The most recent numbers indicate that tribes have paid $161 million into this fund.

And all of this was done without a government program.

Opponents of tribal government gaming have disingenuously refused to answer a very basic question: if not gaming, then what? What other means could possibly empower tribes to get a large enough infusion of funding to provide housing, infrastructure, and health care and allow them to diversify into other fields of business, as many tribes have done through gaming. Until opponents of tribal gaming can come up with a reasonable and viable alternative, their arguments will ring hollow.

## *Rebuttal*

### Fred Jones responds:

Rational discussion about the policy merits of tribal gambling is difficult when the debate is thrown into an historical argument about the wrongs perpetrated on Native Americans. This disproportional response purposely shrouds the negative consequences of large-scale gambling in California. While the regrettable history of native populations provides context to the modern phenomenon of tribal gambling, it is insufficient justification for it.

If this history is enough to remove every concern about how Native Americans achieve economic development — except whether or not a particular method "works" — why not

ified by the hundreds of millions of tribal campaign dollars injected into the body-politic since the late 1990s.

***While gambling has economically advantaged enrolled members of tribes with prosperous casinos, many of our indigenous residents have been frozen-out of this financial bonanza.***

The level of arrogance exhibited by some powerful tribes recently reached a legal crescendo in another high-profile, state Supreme Court decision, wherein one tribe fortunately lost their argument that they had the exclusive right to contribute money to candidates and causes without having to abide by our state's campaign laws. This important case brought to a head the extent of "tribal sovereignty," ending with a razor-thin majority decision.

Had only one Supreme Court justice decided differently, one privileged class of millionaires would not only have been allowed to continue to reap the financial rewards of a government-granted monopoly, but they would then be allowed to deluge our political system in total defiance of the rule of law governing everyone else's civic participation.

While tribal gambling has enriched five percent of California Indians fortunate enough to

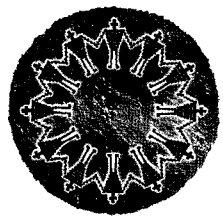


LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

permit sovereign tribes to take advantage of any permissive "opportunity" that comes along? Why not prostitution? Or illicit drug sales? For the sake of California communities surrounding tribal lands, I do hope we can consider more than historical grievances in this important policy debate.

Chairman Miranda laments that "during much of the 20th century, the federal government and others" have simply been unable to figure out ways other than casinos for tribes to sustain themselves. What an affront to the pride of native peoples! Each of our region's tribes has a rich heritage of self-sufficiency that long predates gambling ventures (and, for that matter, modern markets). So why must we now believe casinos are the only means that will serve Native American sustainability, especially in our modern-day, interconnected, global economy?

Commerce on Indian lands is free of both state and federal taxation — a huge market advantage for tribal businesses. Tribes in other states cash in on this tax exemption, and not just by selling cigarettes. These businesses include automobiles and luxury goods and achieve much higher marginal returns than do their competitors. Must we believe the sole means by which California Indians can thrive is by gambling, which many consider legalized theft?



California Nations Indian Gaming Association

Furthermore, why are California's richest tribes keeping the poorest tribes from enjoying the benefits of establishing their own casinos? In the last week of the last Legislative session, affluent tribes attempted to renegotiate even better state compacts for themselves, while at have prosperous casinos, the rest of us have been burdened by the net negatives associated with large-scale casinos.

## *Rebuttal*

### Anthony Miranda responds:

Once again, opponents of tribal gaming fail to answer the most basic question that is central to this argument — if not gaming, then what? In his entire critique of tribal gaming, Mr. Jones does not even attempt to address viable alternatives to tribal government gaming.

Mr. Jones is misleading in his assertion that *Cabazon v. California* was solely limited to bingo. The U.S. Congress and President Ronald Reagan signed off on legislation the following year in direct reaction to the case that created three classes of gaming, and was not just specific to bingo. When there were apparent conflicts with the law in California, voters were asked to decide.

Gaming opponents seem to forget, conveniently, that California voted twice by large margins to protect tribal rights to conduct gaming. Over 60 percent of Californians voted, first, to affirm tribal gaming rights and, second, for a constitutional amendment that struck down a constitutional ban on Class III gaming on Indian lands.

The so-called "privilege" of gaming is for a "select group of California citizens" because of their sovereign status. These are sovereign governments that also gave up over 99 percent of the land in the state of California. California has long prospered on these lands, while the native peoples of this state languished in poverty.

Opponents of tribal gaming erroneously claim that tribes routinely violate environmental, labor, and contractual standards. This



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

## *Rebuttal*

### Fred Jones

the same time lobbying against the poorest tribes trying to get their feet in the casino door. Instant wealth clearly hasn't translated into either inter- or intra-tribal comity. And this dispute is just among the 10 percent of California Indians associated with a tribe (90 percent no longer live on tribal lands and do not have any benefits from casinos).

If gambling is so beneficial to surrounding communities, why are citizens and politicians across the spectrum united against "reservation shopping" for urban casinos? If casinos lift their local economies and promote the general welfare, why is urban gambling off the table?

Gambling enriches a few and impoverishes the many; it is economically non-productive for society, siphoning purchasing power from mainstream markets without creating anything except fleeting hope; it draws the worst out in those trying to make a quick buck, with crime, addiction, bankruptcies, and divorce invariably tied to neighborhoods with large-scale gambling.

This debate, keying on its opening resolution, is not supposed to identify an economic means for Native Americans to prosper; that is up to them. The issue in this debate is whether large scale tribal gambling is benefiting not only our Native American populations, but the entire California citizenry. On that question, the answer clearly is *no*.

## *Rebuttal*

### Anthony Miranda

is patently false. Mr. Jones lists no specific incidents in which these alleged transgressions have taken place. As the original stewards of the land, tribes generally take this stewardship very seriously and all tribal gaming facilities must meet federal environmental standards.

In reference to labor, Mr. Jones leaves out the fact that the 1999 tribal/state compacts allow tribal employees to vote by secret ballot on whether they want to join a labor union or not. Some tribal employees have done just that by their own free will. Tribes have only objected to having certain labor unions imposed on tribal governments and their employees when it is against those same employees expressed will.

The California Supreme Court decision regarding campaign contributions disclosures that Mr. Jones references involved just one tribe, and the issue was really just a technicality. The dispute centered on where this one particular tribe had to file its reported campaign contributions.

One of the most common mistakes about tribal gaming is that it is supposed to be a panacea for all American Indian economic ills. It is not. Tribal gaming is merely an economic tool for sovereign governments to engage if they so choose. California Indians are still the poorest ethnic group in the state overall. The Revenue Sharing Trust Fund, entered into voluntarily by tribes, provides a direct stream of revenue to economically disadvantaged tribes and jobs for their poor, rural neighbors. As always, the question remains — if not gaming, then what? CPR



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# Johnson

(Continued from page 12)

guna Beach does, the Commission's appellate jurisdiction is very limited, such as when a locally approved development is "located ... within 100 feet of any wetland, estuary, or stream." The Commission's power play involves playing on words. It claims that there are drainage ditches on the property and they constitute "streams." But Laguna Beach's Commission-certified local coastal program and map clearly show that there are no genuine streams in the area.

The DNA of the California Coastal Commission seems to impel it to reach for ever more power, shamelessly advancing the most specious arguments on its mission to expand and control ever more property and people. One of Pacific Legal Foundation's core missions is to resist this dangerous bureaucracy. PLF is marking the 20th anniversary of its Supreme Court victory in *Nollan v. California Coastal Commission* with a dinner that will also kick off a new drive to check Coastal Commission oppression. The Gala Dinner, on March 24, will be held at the Aquarium of the Pacific in Long Beach. For tickets and information, contact Jennifer Rohde at PLF: (916) 419-7111; jlr@pacificlegal.org. CPR

# Correspondence

(Continued from page 2)

Wilhelmsen is no longer alive to defend his statement, so I will defend *CPR's* publishing it. Wilhelmsen's argument is made as part of his explanation for the modern campaign against Christmas, a Christian celebration that John Calvin certainly opposed. In a letter dated December 25, 1557, Calvin wrote "With respect to ceremonies and above all the observance of holy days" that "Although there are some who eagerly long to remain in conformity with such practices, I do not know how they can do so without disregard for the edification of the church, nor how they can render an account to God for having advanced evil and impeded its solution." (John Calvin, *Calvin's Ecclesiastical Advice*, translated by Mary Beaty and Benjamin W. Farley, Louisville: Westminster/John Knox Press, 1991, 90.) Earlier, in 1550, Geneva, where Calvin had been a major religious and political leader on and off for decades, outlawed Christmas, mandating that communion not be celebrated on "superstitious" pagan dates like December 25. According to one account, on Christmas day that year (1550), Calvin, in the pulpit to deliver a weekday sermon, scolded the congregation, saying "I see more people than usual at sermon today. And why? It's Christmas day. And who told you? It seems so [to be a holy day] to poor beasts. There's the fitting label for all who came to sermon today in honor of the feast ... But if you think that Jesus Christ was born today, you are beasts, indeed, rabid beasts." (cited as contained in "*Supplementa Calviniana*, volume 5, sermons on Micah, p. 172, lines 20ff, translated from French by The Ranter." [*http://takenforranted.com/2005/12/17/john-calvin-joins-the-ranter-in-the-war-on-christmas-2/*])

Wilhelmsen traces this opposition to Christmas to a belief, that he says Calvin held, that Creation itself is evil. This reading of Calvin is by no means original to Wilhelmsen, although it is also certainly open to debate. His article "Christmas in Christendom" offers no sources to explain his charge, but we may consider some on our own as possibly being the sort of thing he had in mind. For instance, (at *http://www-personal.ksu.edu/~lyman/english233/Calvin2.htm#n-concupiscence*) a website titled: "English 233: Introduction to Western Humanities" offers the following "Excerpts from John Calvin's *Institutes of the Christian Religion* (first edition 1536)":

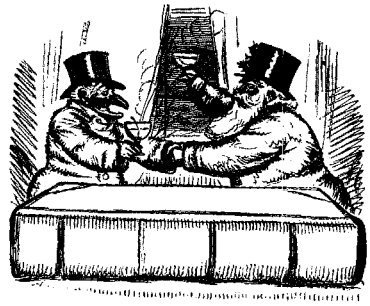
> Original sin, therefore, appears to be an hereditary pravity and corruption of our nature, diffused through all the parts of the soul .... For our nature is not only destitute of all good, but is so fertile in all evils that it cannot remain inactive. Those who have called it concupiscence have used an expression not improper, if it were only added, which is far from being conceded by most persons, that every thing in man, the understanding and will, the soul and body, is polluted and engrossed by this concupiscence; or, to express it more briefly, that man is of himself nothing else but concupiscence.

If we read that "corruption of our nature" is "diffused through all the parts of the soul" and "our nature" is "destitute of all good" and "every thing in man, the understanding and will, the soul and body, is polluted and engrossed" by concupiscence, so that "man is of himself nothing else but concupiscence," may one conclude that the writer of these lines thought creation evil? Perhaps not without doubt, but it seems more than a stretch to assign outstanding "chutzpah" to one who *does* so conclude.

Supporters of Calvin of course dispute this conclusion, and I thank Mr. Ahmanson for contributing to this discussion. *California Political Review* exists to inform and to stimulate thought, which usually means controversy. But it is out of controversy, if we use it well, that our understanding grows. By the way, to avoid *mis*understanding, I hasten to note that the views of John Calvin on Christmas are not necessarily those of Calvinists. For instance, discussing a 2004 book [*Proclaiming the Christmas Gospel*] by Reformed Church Pastor David Vroege, John Witvliet, director of the Calvin Institute of Christian Worship, said "We hope this collection will help readers approach Christmas anew, to see again its life-giving message." CPR



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



CRITICUS

# Well, I never ...

BY G.B. TENNYSON

IN THE AUTUMN of last year one of those perennially eccentric British writers of letters to the editor — this one named Bryan Dixon — wrote to the London *Telegraph* that he was nauseated by the unstinting praise in the press of a new stage production of *The Sound of Music.* And presumably also, Criticus adds, by the one-night-a-week sing-along presentation of the film version of the musical at a cinema in Leicester Square. Dixon went on to say:

> Now is the time to bring to the attention of music lovers The Society of People Who Have not Seen The sound of Music and Have No Intention of Doing So. I believe that I am the only member of this society.

His letter struck a nerve or, better said, his trumpet awakened the sleeping heart of a nation, rather like those calls that are supposed to bring back King Arthur from his repose in what the other Tennyson called the "island valley of Avilion," or the cry that will awaken the slumbering Friedrich Barbarossa in his cave in Transylvania to return to lead the German people.

Yes, perhaps I exaggerate, for Arthur did not reappear in, say, the Battle of Britain, nor did Barbarossa emerge when the Third Reich was collapsing. What did happen, however, when Bryan Dixon claimed to be the only member of the Society of People Who Have Never ... etc. was a virtual avalanche of letters to the editor and other commentary on the subject. Here are a few selected examples from a three-week period of readers' letters on this subject. Each should be read as having the phrase "I Have Never" understood as preceding each entry:

Thus: "I Have Never": watched or read anything with the word "Celebrity" in the title ... liked the Beatles ... tried incest or folk-dancing ... started a sentence with the word "basically" and finished with "you know" ... watched *Titanic* (but I know the ending) ... voted Labour, owned an iPod, a Playstation, seen *Phantom of the Opera* ... travelled on a bus, eaten at McDonalds ... split an infinitive, written "it's" as a possessive or said "between you and I" ... fired a gun, set foot in a casino, brothel, or opera house ... sent an e-mail to the *Weekly Telegraph* ... heard the voice of Tony Blair. His looks seem more than enough ... and never will buy any product/article which has been promoted by a celebrity ... smoked the vile weed tobacco ... bought anything with Mick Jagger's picture on the cover ... never dated women with one centimeter gaps in between their front teeth ... bought or sold anything on eBay ...never watched a James Bond film and have no intention of ever doing so ...used the word "Cheers" ... heard of David Beckham.

There were of course also dissenters, such as the reader who wrote: "I have never read such self-centered, sanctimonious drivel in all my life!" And the

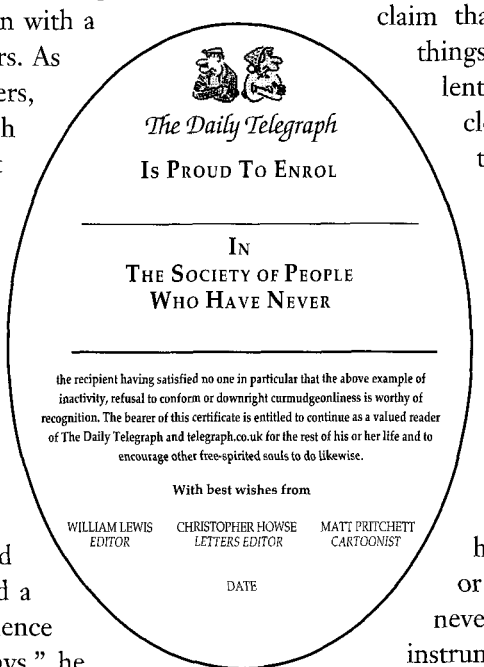
*G.B. Tennyson is CPR's designated dispenser of the soothing word, the kindly utterance, and the occasional poison pen.*



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

one who threatened, "Unless the *Daily Telegraph* stops cluttering its pages with silly letters about societies, I will consider joining The Society For Those Who Stopped Reading the *Telegraph* in Disgust."

Not only was the general public caught up in the "I Have Never" craze, so too were various writers and pundits who wrote separate articles on the subject (as opposed to letters). Charles Moore, former editor of *The Spectator* and later of the *Telegraph*, weighed in with a most impressive list of I Have Nevers. As with the selections from readers' letters, Criticus omits the uniquely British things Moore has never done, but among his everyday Nevers were never having eaten a product of McDonald's, drunk Coca-Cola, seen *The Sound of Music*, or been to Disneyanything. But that was just for starters. He also claims never to have bought himself any equipment for playing music, or any musical record, CD, or tape, or attended a professional football, rugby, or cricket match, never had a gin and tonic, sewn on a button, or changed a wheel. And, "contrary to the experience of everyone who is famous nowadays," he "was never sexually abused as a child." He never laughed at Charlie Chaplin or wept over the death of Diana, Princess of Wales. (Criticus is at one with Moore on these two last points.)


The Daily Telegraph
Is Proud To Enrol
In
The Society of People
Who Have Never
the recipient having satisfied no one in particular that the above example of inactivity, refusal to conform or downright curmudgeonliness is worthy of recognition. The bearer of this certificate is entitled to continue as a valued reader of The Daily Telegraph and telegraph.co.uk for the rest of his or her life and to encourage other free-spirited souls to do likewise.
With best wishes from
WILLIAM LEWIS
EDITOR
CHRISTOPHER HOWSE
LETTERS EDITOR
MATT PRITCHETT
CARTOONIST
DATE

Not content with this roster he goes on to cite the "Nevers" of many of his "nearest and dearest" who have never cooked, ironed, or driven, never been to a pub, never possessed a camera, never changed a plug, never ridden a bicycle, and never washed up a plate. He goes beyond that to cite some Nevers he has heard or read of, especially from earlier times when mobility and opportunity were more limited. Among these are the married couple who had never spent a night apart in 57 years, a man who had never left the farm on which he was born for as much as 24 hours in 86 years of life. There are people in Britain, he claims, who have never had a vacation or seen the sea. (This last strikes Criticus as extraordinary indeed, in that there is no spot in the British Isles that is farther than 90 miles from the sea.) There are many persons in Britain who have never been to London, which Criticus can believe, even while being skeptical of the claim that there are those who lived in London and had never seen the Thames.

But all these Nevers have one thing in common, and Charles Moore is too astute a writer not to have noticed it. They are all in their way boasts or claims to some kind of virtue. To be sure, the gentleman who has "never tried incest" (as though it were a popular parlor game) may perhaps be commended, but Criticus likes to believe that such forbearance is really quite common. Many of the others are much less so, and it does strike one as amazing that there are those who have never cooked, ironed, or been to a pub. Criticus himself does claim that he doesn't cook: he just heats things up. No more does he in his indolent dotage iron: he just buys no-iron clothing. But he has on occasion been to a pub.

Still, the fact remains, as Moore points out, that virtually all the Nevers are self-congratulatory. They suggest fastidiousness, individuality, refined discrimination. The other side of Nevership, however, is that of things one has not done but ought to have. Here again, Moore, begins with his own self-critical Nevers. He admits that he has never skied, or sailed a boat, or bought a ticket for a ballet. He has never caught a fish, or played a musical instrument, written a thank-you note to any of his teachers for the good job they did [shame!], or conducted a full and serious conversation in a foreign language.

The bad side of Nevers becomes yet more serious, especially from the point of view of teachers, Constant Readers, and the generally high-minded. It is that of the books we have never read. Moore confesses never to have finished a book by D.H. Lawrence ("except for base reasons *Lady Chatterley's Lover*"), or by Virginia Woolf or Anthony Powell, though he excuses himself on the grounds that these are all so boring. He is truly contrite, however, when he confesses to never having read *The Mayor of Casterbridge*, *Adam Bede*, *Darkness at Noon*, *Ulysses*, *Moby-Dick*, *The Brothers Karamazov*, *Robinson Crusoe*, *The Pilgrim's Progress*, *Huckleberry Finn*, or any novel by Balzac, Zola, Goethe, Victor Hugo, or Walter Scott.

Criticus will not enumerate the non-fiction works that Moore has not read, for he considers these to fall into the boasting category rather than the regretful one. They include all feminist books, Freudian and other books on psychology, and books by Darwin, Rousseau, and Marx. Even



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

exempting these non-fiction items, Criticus is reminded of his own shame when it comes to books unread and will confess some of his own failings in this category, which, coming from a professor of English, should have sent him long since to the confessional or to voluntary resignation from the profession. (Nowadays, of course, professors of English read no classic works, only secondary materials about the sociology of literature.)

CRITICUS HAS never read all of *Piers Plowman*, or all — or even much — of Bede's *Ecclesiastical History of the English People*, or much of the great Latin authors, though he did in Latin class struggle through Caesar's *Gallic Wars*, of which, like most, he remembers chiefly the opening sentence (you know, "All Gaul ... etc). He has never read Hooker's *Laws of Ecclesiastical Polity*, most of Dryden, or *Humphrey Clinker*, or Hobbes's *Leviathan*, or anything by David Hume or Adam Smith, or Gibbon's "divine *Decline and Fall*," as Noel Coward phrased it, though I'd bet dollars to doughnuts that Coward had never read it either.

And that brings us to the nineteenth century where Criticus is supposed to have read everything. Not true either, though in that chosen sphere he was able to adopt the wisdom of his dissertation director who said, "If I've heard of it, I can teach it." A comforting thought when one suddenly comes upon the need to discourse on, say, Anne Brontë's *Tenant of Wildfell Hall* or those lady poets we never studied in my days in graduate school and are yet all the rage now that the profession is overrun with feminists determined to elevate such as Felicia Hemans ("The boy stood on the burning deck") to an eminence equal to that of Wordsworth or Browning or the Poet Laureate of the Victorian age (the one who shares a surname with Criticus).

As for the twentieth century, Criticus could easily outdo most of the Nevers in the field of literature with his own list. Many of these would be of the boastful sort, but not a few would fall into the category of regretful shame. Boastfully I admit that I have never read most of the lady novelists and virtually all of the poetesses published after 1950. And to balance it out on the male side, I have never read the Beat poets, or Norman Mailer, or John Updike, or hosts of other contemporary writers. Regretfully I admit that I have never read William F. Buckley's novels (as distinct from his non-fiction, which I have read in abundance), or most of Sinclair Lewis (or should that be in the boastful column?), or Theodore Dreiser, or Joyce's *Finnegan's Wake*, or ... well, the list is too long.

What, then, can come of all this? Surprisingly, a good deal can come of it, in the Critical view. On a rather jaunty level, we find that the *Telegraph* proposed an actual Society of People Who Have Never (see accompanying application form). In an article in the paper on 1 November 2006 along with the application form it was stated that "the best 100 [entries] — as judged by a *Telegraph* panel chaired by the Editor William Lewis — will win a special scroll certificate signed by, among others, our award-winning cartoonist Matt." It stated further that the winners will be informed no later that December 5, 2006. Criticus has looked in vain in subsequent issues for a report on this contest. We relish the prospect of a list of the winning entries.

Even without a list of winners, we can carry this undertaking to a higher level. To that end Criticus proposes that each reader, especially Constant ones, should examine his conscience and each make a list of his own self-congratulatory Nevers and a list of self-critical Nevers. These could form a kind of daily personal self-examination and even stand as guidelines for efforts at self-improvement. Say, for example, that one wrote that he had never given money to a beggar or to a Salvation Army Christmas kettle. He could then resolve to do so at the first opportunity, as it is bad luck not to give to a beggar and uncharitable not to have given to the Salvation Army. Criticus is not sure what to do with those who have never tried incest. Perhaps the list should be confined to things that can be rectified without violating standard morality or committing a crime. Think of all the good deeds that could issue from such a process.

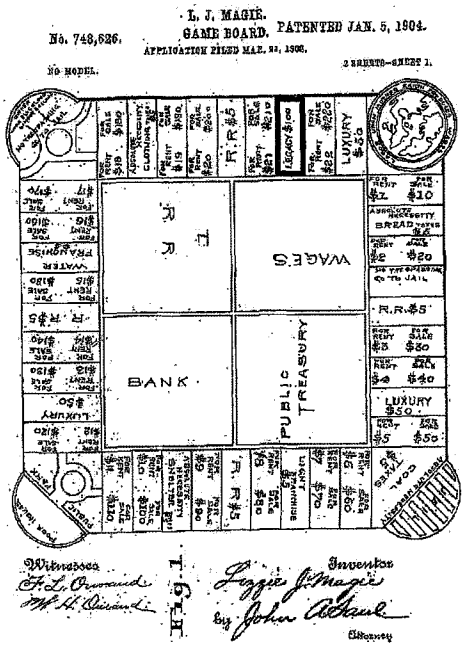
Then, to move to a yet higher plane, Criticus proposes the creation of a new parlor game. Players on each of two sides could write on a slip of paper something they have never done and put the slips of each side into a container. Members of opposing teams would alternately draw an item from the other team's pile and read the item aloud. They would then have to guess which person from the other side had made the statement and whether it was a boast or a confession. Points could be awarded for the accuracy of the identification of the person and for the accuracy of identification of which of the two kinds of Nevers was intended. Once again, the rules of morality and legality would apply.

THERE IS perhaps a yet higher level lurking here. Why not a board game based on this idea? It could be called *Nevers*, though I'm not entirely sure how it would work. I learned recently that the game of Monopoly evolved from an early twentieth-century amusement called the Landlord's Game, invented by one Lucie Magie and patented in 1904. Although very similar to Monopoly in that it



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

involved a square board and streets and purchasing and the like, the point of Magie's game was to illustrate the tax policies of the then-fashionable economist Henry George. There were later, similar games, all eventually bought out and consolidated by Parker Brothers into the Monopoly we know today. Although similar in appearance and basic structure to Landlord's Game, Monopoly actually opposes Henry George's ideas in that the point of it is precisely to amass property and riches rather than to punish those who profit from unearned real estate appreciation.




Like Monopoly, Nevers would have to have an incentive. Imagining such a game in the light of Monopoly, one could fancy that a board with various kinds of Nevers could be set up and that a roll of the dice would land one on a Never that the player would then have to rectify or pay a fine. These Nevers would have to be restricted to things doable at the scene. There would also have to be a system of rewards for landing on a good Never. Whoever amasses the greatest number of points for good Nevers would be the winner. As readers will readily see, Criticus hasn't fully worked out all the details but is considering possibilities. Constant readers are welcome to lend a hand. Otherwise we'll have to let our servants work out the rest. One can imagine someone writing in to a contest with the declaration "I have never played the silly game of Nevers."

Finally, as a kind of *lagniappe* — or possibly a cautionary tale — Criticus offers the possibility of a companion game to Nevers. In it the most shameless and vicious attacks on others compete for top prize. The entries would have to be in this vein: "I have never held my tongue or pen when speaking or writing about others," followed by an example. Criticus was led to think of this remembering that the late Madame Criticus used to say of Criticus himself, "Your tongue should be registered as a lethal weapon," when the poor fellow was merely expressing some fleeting annoyance. To show what a truly lethal tongue can be Criticus announces in advance the likely winner of such a competition.

In the Critical view this ultimate Nasty-Neverman is the well-known British historian Hugh Trevor-Roper (1914-2003). He was the Regius Professor of Modern History at Oxford, author of acclaimed books on English history and the Second World War. To be the king of mean in what author Ferdinand Mount calls the "City of Dreadful Spite, otherwise known as Malice Springs" is no small achievement, but the following excerpt from one of Trevor-Roper's letters should convince anyone. The subject of the sketch is one known to and, I believe, generally admired by readers of this magazine. It is none other than C.S. Lewis.

> Envisage (if you can) a man who combines the face and figure of a hog-reeve or earth-stopper with the mind and thought of a Desert Father of the fifth century, preoccupied with meditations of inelegant theological obscenity: a powerful mind warped by erudite philistinism, blackened by systematic bigotry, and directed by a positive detestation of such profane frivolities as art, literature and (of course) poetry: a purple-faced bachelor and misogynist, living alone in rooms of inconceivable hideousness, secretly consuming vast quantities of his favourite dish — beefsteak and kidney pudding: periodically trembling at the mere apprehension of a feminine footfall; and all the while distilling his morbid and illiberal thoughts into volumes of bestselling prurient religiosity.

Trevor-Roper had comparable things to say about just about everyone, and Oxford being Oxford produced many who repaid him in kind. But perhaps the ultimate put-down of the historian was brought about by his own hand and not by malicious remarks of others. As the author of the acclaimed *The Last Days of Hitler*, Trevor-Roper was naturally called upon to judge the authenticity of the so-called *Hitler Diaries* that appeared in 1983. He duly pronounced them authentic. They were shortly thereafter shown to be totally fraudulent. But then Trevor-Roper was employed by Rupert Murdoch as a writer for the Murdoch-owned *London Times* which had paid substantially for the rights to serialize the *Diaries*. It appears that Trevor-Roper was a toady as well as a dupe or a dope. Many there were who have never enjoyed such a fall so much.

All Criticus can say to this, and with some relief and even pride, is: I have never read *The Hitler Diaries* — or for that matter much of Trevor-Roper. CPR



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

# First Things

## The Gentlemen's Agreement II

**by John Kurzweil**

A reader asks: would I clarify the "Gentlemen's Agreement" mentioned last issue? I wrote that what liberals call The Enlightenment "was built on a dishonest Gentlemen's Agreement, justified as necessary to avoid conflict, that henceforth we would single out God as the one topic never to be treated as real; an agreement never to permit our thoughts about Him to go beyond the level of opinion and to trash anyone who breached the Agreement as mad or a fool or malicious, but, in any case, dangerous and requiring suppression." Pop Culture, in contrast, portrays The Enlightenment as an 18th century movement stressing reason against outmoded faith. That it begins with as self-serving a title as The Enlightenment, like a sit-com using a laugh track to alert the audience that a joke has happened, accurately reflects The Enlightenment's appearance-to-substance ratio.

To illustrate what I meant by making God alone unreal, I relate the following incident. During a discussion on religion with a fellow conservative — a life-long activist — I was asked whether I "as a Catholic" believed that bread and wine really became the body and blood of Christ at the consecration during Mass. I answered that I simply believed it, not as a Catholic, but as the possesser of a functioning intellect capable of weighing the evidence and reaching a rational conclusion. My interlocutor was baffled. What distinction was I making? I said to him: "Do you believe *as a conservative* that the sun rises in the East, or do you simply believe it?" This brought more confusion, becoming mixed, it seemed to me, with consternation that I was somehow trying to dodge a simple question. The conversation lagged.

But asking someone if they believe "as a Catholic" is merely Enlightenment jargon, implying the premise that we adopt our religious beliefs free of the rational processes employed in adopting beliefs about anything else. That is: we do not weigh evidence, consider probabilities, test alternative hypotheses. We simply choose our convictions about God as we would a new suit of clothes or a color for our new car: they happen to appleal to us subjectively, and we reserve the right to drop them any time for any reason or no reason at all. Thus, we believe "as a Catholic" or "as a Buddhist" or "as a Presbyterian" because we have chosen to wear a Catholic or Buddhist or Presbyterian "faith" today; tomorrow we may change. It's up to us.

It is an Enlightenment delusion that our ability to make objective moral judgments *that really are true* can survive this relagation of religious belief to the realm of prerational subjectivism. A sort of liberal Babbittry goes on display whenever a religious believer maintains that his beliefs have something to do with reality. For instance, when a federal court in 1999 ruled that forcing Christian landlords to rent to people engaged in sinful activities (*i.e.*, forcing them to engage as accessory in those activities) violates First Amendment religious freedom guarantees, the dissenting judge fumed that henceforth landlords could refuse "to rent or sell housing to divorced individuals, interracial couples, victims of domestic abuse seeking shelter," and a long list of other designated victims. His distinction was clear: *real* morality (defined by the state) should not give way to subjective "belief." But that leaves morality nowhere, except where power, at its changing whims, decides to find it.

So "Enlightenment" comes down to this: we close our minds — against all the historic understanding of our civilization — to the possibility that religion teaches objective truth, then we invest blind faith, the very thing the Enlightenment proclaims its freedom from, in what's left of our artificially constricted "reason" to guide us to "real" morality. The Enlightenment is to rationality what a laugh track is to real comedy: irrelevant. CPR

*John Kurzweil is* CPR's *editor.*

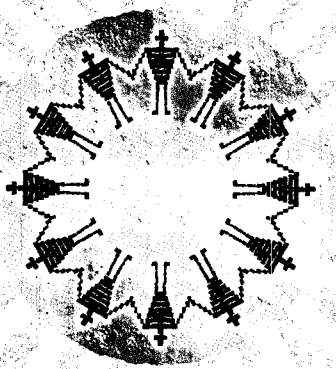


LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Peace Officers Research Association of California, represents more than 60,000 working men and women in law enforcement, whose political funds assist Republican Party candidates and causes.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The California Nations Indian Gaming Association proudly supports the California Republican Party



# CALIFORNIA NATIONS INDIAN GAMING ASSOCIATION

## California's Leading Voice on Indian Gaming Issues

CNIGA is a non-profit organization dedicated to the purpose of protecting the sovereign right of Indian tribes to have gaming on federally-recognized Indian lands. It acts as a planning and coordinating agency for legislative, policy, legal and communications efforts on behalf of its members and serves as an industry forum for information and resources.

Indian Tribes are Partners with Our Local Communities and California

- Tribal governments in California currently employ 56,000 people
- Every tribal gaming job creates at least two others in the community
- Tribes annually spend hundreds of millions of dollars buying goods and services from off -reservation vendors and suppliers
- Tribes spend tens of millions of dollars per year to improve infrastructure on non-tribal lands and improve the environment
- Since 2003 tribes have paid nearly $370 million into a fund created to support problem gambling prevention programs; to reimburse local governments for off-reservation impacts by tribal gaming operations; and to compensate the state for regulatory costs
- Tribes have also paid more than $160 million into a fund created to share gaming revenues with non-gaming tribes

**CNIGA represents 69 federally-recognized Indian Tribes in California**

1415 L Street, Suite 1080, Sacramento, CA 95814 Phone: 916-448-8706 www.cniga.com

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED